



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

खण्ड : ४३

शिमला, शनिवार, ६ मई, १९९५/१६ वैशाख, १९१७

संख्या : १८

विषय सूची

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६ मई, १९९५/१६ वैशाख, १९१७ को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञापितियां असाधारण राजपत्र, हिमाचल प्रदेश में प्रकाशित हुईं:—

विज्ञापित की संख्या	विभाग का नाम	विषय
—	—	—

भाग-1—वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, 30th November, 1994

No. 19-8 90-Shram-VI.—In exercise of the powers vested in him under section 17(1) of the Industrial Dispute Act, 1947 the Governor, Himachal Pradesh is pleased to order the publication of the awards in the Rajpatra announced by the Presiding Officer, Labour Court in respect of the following cases :—

S. No.	Case No.	Parties	Section	Remarks
1	2	3	4	5
1.	Ref-4/93	Anant Ram V/S M.D. H.P. Tourism Development Corporation, Shimla.	10	For publication
2.	Ref-116/92	Smt. Usha Sharma V/S D.A.V. Public School, Solan.	10	-do-
3.	Ref-101/92	Savitri Devi V/S Principal Government Polytechnic, Hamirpur.	10	-do-
4.	Ref-26/93	Parkash Singh V/S M/S Shell Papers (P) Ltd. Brotiwala.	10	-do-
5.	Ref.108/92	Krishan Pal V/S M/S Rama Steels, Brotiwala.	10	-do-
6.	Ref-6/93	Parkash Chand V/S Chairman Khadi Mandal, Kullu.	10	-do-
7.	Ref-51/93	Pritam Chand V/S Deputy Director (Agriculture), Hamirpur.	10	-do-
8.	Ref-36/92	Roop Ram V/S District Horticulture Officer, Solan.	10	-do-
9.	Ref-68/93	Medh Ram V/S HRTC, Shimla.	10	-do-
10.	Ref-76/92	Dharam Singh and Ratti Ram V/S Executive Engineer. HPSEB, Theog, District Shimla.	10	-do-
11.	Ref-79/92	Harnam Singh V/S Advisor, Planning, H.P. Shimla	10	-do-
12.	Ref-70/92	Technical Services Union V/S Chairman, HPSEB, The Mall, Patiala and others.	10	-do-
13.	Ref-121/92	Joginder Singh V/S Executive Engg. HPPWD (B & R) Nahan.	10	-do-
14.	Ref-72/89	Amresh Kumar V/S HRTC, Shimla & Others.	10	-do-
15.	Ref-75/93	Lal Jhanda Mazdoor Union V/S M/S Ahuja Plastic Ltd. The Devicos, The Mall Shimla-1.	10	-do-
16.	Ref-1/90	Peter (s) India Employees Union V/S M/S Peter(s) India, Bilaspur.	10	-do-

17.	Ref-44/92	Khajan Chand V/S Deputy General Manager. HRTC Nahan.	10	For publication
18.	Ref-15/94	M.F. Khan V/S R.K. Gupta. M/S Himachal Carbon Products, Parwanoo.	10	-do-
19.	Ref-85/92	Nek Ram V/S S.E. IV Circle, HPPWD, Shimla.	10	-do-
20.	Ref-80/92	Jai Parkash V/S Executive Engg. IPH Division No. 1, Kasumpti, Shimla-9.	10	-do-
21.	Ref-12/92	General Secretary, HP Aushad Nirman Karamchari Sangh, Jogindernagar V/S Manager, Ayurvedic Pharmacy, Jogindernagar.	10	-do-

By order,
S. S. SIDHU,
Fin-Commr.-cum-Secretary.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

Reference No. : 4 of 1993.

Instituted on : 2-1-1993.

Decided on : 23-7-1994.

Shri Anant Ram former Barman, Himachal Pradesh Tourism Development Corporation, C/O Shri J. C. Bhardwaj, Saproon, Solan.
.. Petitioner.

Versus

Managing Director, Himachal Pradesh Tourism Development Corporation Ltd., Shimla, H. P.
.. Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J. C. Bhardwaj, A.R.
For respondent : Shri M.P. Vashist, A.R.

AWARD

Through this reference, the State Government has referred the dispute regarding the termination of the petitioner Shri Anant Ram, for adjudication by this Court.

2. The brief facts of the case are that the petitioner Shri Anant Ram, was employed as Barman in Hotel Shivalik, Parwanoo, which is being run by the respondent, Himachal Pradesh Tourism Development Corporation. On 7-8-1987, the petitioner had proceeded on leave for 10 days and subsequently, he had sent telegram for extension of leave. The extension of leave was not granted by the respondent. However, despite that the petitioner had not joined the duty and as such, he was treated absent from duty. On 19-7-1990, the petitioner was charge-sheeted on account of his wilful absence from duty. Thereafter, an enquiry was held against the petitioner in respect of the said charge and after conclusion of the said enquiry, it was found that the petitioner was guilty of the charge of wilful absence from duty. On the basis of the said findings of the Inquiry Officer, the respondent had terminated the services of the petitioner.

3. The case of the petitioner is that he was ill and as such, he had sent telegram for extension of leave. It is stated that the petitioner had not received any telegram

from the respondent with respect to the refusal of extension of leave. It is also stated that the daughter of the petitioner had also fallen ill and due to her illness, she had expired on 22-1-1988 and as such, he was not in a position to resume his duties. It is further stated that he had sent intimation to the respondent with respect to the expiry of his daughter. As regards the enquiry, the petitioner has stated that the same was not conducted in a fair and proper manner because he was not allowed to engage any defence assistant. Thus, it is stated that the termination of the petitioner is illegal and as such, the same be set-aside and the petitioner be re-instated with back wages.

4. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that the petitioner remained absent from duty because the extension of his leave had been rejected and an intimation to that effect had been sent to the petitioner. It is further stated that the enquiry was held in a fair and proper manner and the petitioner had never requested for appointment of defence assistant. As such, it is stated that the penalty of termination which has been imposed on the petitioner is justified.

5. On the aforesaid pleadings of the parties, my learned predecessor had framed the following issues :—

1. Whether the termination of the services of the petitioner is illegal and unjustified, as alleged? *OPP.*
2. Relief.

6. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings of the aforesaid issues are as under :—

FINDINGS

<i>Issue No. : 1.</i>	No.
<i>Relief :</i>	Penalty of termination reduced to stoppage of three increments with cumulative effect.

REASONS FOR DECISION :

Issue No. : 1.

7. The scrutiny of the evidence on record would go to show that though the petitioner had sent a telegram for extension of leave, but, the respondent had refused the extension. However, the petitioner had failed to resume duties after the said refusal. So much so, the petitioner had also not submitted any leave application nor any medical certificate was submitted in proof of his illness. The respondent has proved that telegram of rejection was actually sent to the petitioner on 27-8-1987. Further, the petitioner has also admitted in the cross-examination that he had received the said telegram. Thus, it is clear that the petitioner remained absent from duties without any authorised leave. As regards the plea of the petitioner that he was not allowed to engage any defence assistant, the evidence would go to show that the petitioner had not requested the Inquiry Officer for allowing him to engage defence assistant. Therefore, this plea of the petitioner does not have any substance. As such, it can safely be concluded that the charge of wilful absence from duty was fully proved against the petitioner and he has rightly been held guilty of the said charge by the Inquiry Officer. Therefore, I find no fault in the findings of the Inquiry Officer.

8. Coming to the question of penalty of termination, after taking into consideration the entire facts and circumstances of the case and the magnitude of the charge, I am of the view that the penalty of the termination is excessive. As such, I am of the view that penalty of stoppage of three increments with cumulative effect would be justified. Accordingly, the penalty of termination is reduced to stoppage of three increments with cumulative effect. The petitioner will be treated on duty during the entire

period of his absence and he will be granted leave of the kind due.

9. For the reasons stated above, I hold that the petitioner has proved this issue. Accordingly, this issue is decided in favour of the petitioner to the extent mentioned above.

RELIEF

10. Keeping my findings on the aforesaid in view, I hold that the petitioner has rightly been held guilty of the charge of wilful absence from duty. However, the penalty of termination is not justified and as such, the same is reduced to the stoppage of three increments with cumulative effect. Accordingly, the petitioner is ordered to be re-instated with back wages subject to the penalty of stoppage of three increments with cumulative effect and the period of his absence will be treated as duty and he will be granted leave of the kind due. As such, the reference is decided in favour of the petitioner and the same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajaptra in accordance with law. A copy of this award be supplied to each of the parties, free of costs, if applied for. The file after its completion be consigned to the record room.

Announced in the open Court today the 23rd July, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

Reference No. : 116 of 1992.

Instituted on : 11-12-1992.

Decided on : 13-7-1994.

Smt. Usha Sharma W/o Shri Braham Raj Sharma,
Braham Niwas, Sunny Side, Solan.

.. Petitioner.

Versus

D.A.V. Public School, Solan. through its Principal.
.. Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For the petitioner: Shri J. C. Bhardwaj, A. R.
For respondent Shri Vineet Gautam, Advocate.

AWARD

Through this reference, the State Government has referred the dispute concerning the termination of the petitioner Smt. Usha Sharma, for determination by this Court.

2. The case of the petitioner is that she had been employed by the respondent as Clerk-cum-receptionist on 26-7-1991 and thereafter, she had worked continuously till 23-4-1992, when her services were terminated without assigning any reason. Thus, it is stated that the termination, in question, is illegal and the same be set-aside and the petitioner be re-instated with back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on two grounds. The first ground is that the petitioner had been appointed on *ad hoc* basis and the second ground is that at the time of retrenchment, petitioner had been given one

month's wages in lieu of notice. As such, it is stated that the termination in question, is legal and justified.

4. On the aforesaid pleading of the parties, my learned predecessor had framed the following issues :—

1. Whether the termination of the petitioner by the management is illegal and unjustified as alleged ? OPP.
2. Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

Issue No. : No.

Relief. Reference answered against the petitioner.

REASONS FOR DECISION

Issue No. : 1.

The petitioner has stated that she had been employed by the respondent on 26-7-1991, while, the appointment letter was given to her on 29-8-1991 and thereafter she had worked till 23-4-1992, when her services were terminated. On the other hand, the respondent has stated that the petitioner was appointed w.e.f. 1-8-1991 and thereafter, she had worked continuously till 23-4-1992. The respondent has admitted that the petitioner had worked for a period of more than 240 days during the said period of employment. Now, even if it is taken that petitioner was appointed on 26-7-1991, even then it remains a fact that the employment, in question, of the petitioner was for less than 12 calendar months.

7. The representative of the petitioner has argued that since the petitioner had worked for 240 days and she had not received one month's wage in lieu of notice, which were tendered to her by the respondent, the provisions of Section 25-F of the Industrial Disputes Act, 1947 are attracted and as such, the termination in question, is illegal and unjustified. On the other hand, the learned advocate for the respondent has argued that the respondent has complied with the provisions of Section 25-F of the Industrial Disputes Act, 1947 because one month's wages in lieu of notice were tendered to the petitioner, which she refused to receive and as such, the termination is legal and justified.

8. I have considered the arguments aforesaid of the parties representatives and am of the view that none of these arguments holds good. There is no denying the fact that every case of retrenchment has to be examined in the light of Section 25-F of the Industrial Disputes Act, 1947, but, before a workman can be granted relief under the said section of law, he has to satisfy that his appointment was for a period of not less than 12 calendar months immediately before his termination and during the said period, he had actually worked for not less than 240 days. Section 25-B of the Industrial Disputes Act, 1947 defines one year continuous service, which provides that if a workman during the period of twelve calendar months' preceding the date with reference to which calculation is to be made, has actually worked for not less than 240 days, then he shall be deemed to have completed one year continuous service. It would thus be clear that before a workman can be considered to have completed one year continuous service, it must be shown first that he was employed for a period of not less than twelve calendar months' and during those twelve calendar months' he had worked for not less than 240 days. The Hon'ble Supreme Court in *Sur Enamel and Stamping Works Ltd. v. The Workmen*, 1963 (7) FLR 236 (SC) has held as follows :

"The position, therefore, is that during a period of employment for less than 11 calendar months

these two persons worked for more than 240 days. In our opinion that would not satisfy the requirement of Section 25-B. Before a workman can be considered to have completed one year of continuous service in an industry it must be shown first that he was employed for a period of not less than 12 calendar months and, next that during those 12 calendar months had worked for not less than 240 days. Whereas in the present case, the workmen have not all been employed for a period of 12 calendar months, it becomes unnecessary to examine whether the actual days of work numbered 240 days or more. For, in any case, the requirements of Section 25-B would not be satisfied by the mere act of the number of working days being not less than 240 days."

9. The crux of the aforesaid legal position is that a workman who has not been in employment for 12 calendar months immediately preceding the date of his termination, though he has worked for not less than 240 days during the said period, is not entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947.

10. Adverting to the facts and circumstances of the case and the evidence on record, it can straightaway be held that since the appointment of the petitioner was for a period of less than 12 calendar months, she is not entitled to the protection of Section 25-F *supra* even though, she has actually worked for 240 days. Therefore, I come to the conclusion that the termination of the petitioner is legal and justified. As such, the petitioner has failed to prove this issue. Accordingly, this issue is decided against the petitioner.

RELIEF

11. Keeping my findings on the aforesaid issue in view, I hold that the termination of the petitioner is legal and justified and as such, the petitioner is not entitled to any relief. Accordingly, the reference is answered against the petitioner. A copy of this award be sent to the Govt. of Himachal Pradesh for publication in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. File be consigned to the record room.

Announced in the Open Court today the 13th July, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding
Officer, Labour Court, Himachal Pradesh, Shimla

Reference No. : 101 of 1992.

Instituted on : 5-12-1992.

Decided on : 3-6-1994.

Smt. Savitri Devi w/o Shri Purshotam Dass, Poly-
technics Colony, Hamirpur., Himachal Pradesh.
.. Petitioner.

Versus

Principal, Government Polytechnic, Hamirpur, Himachal
Pradesh
.. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For petitioner : Shri Ajai Dogra, AR.
For respondent : Shri P.L. Sharma, AR.

AWARD

Through this reference, the State Government has referred the dispute concerning the termination of the petitioner Smt. Savitri Devi, for determination by this Court.

2. The case of the petitioner is that she was appointed by the respondent as whole-time contingent paid sweeper on 20-2-1985 and thereafter, she worked continuously till 17-4-1989 on which date, she was terminated by the respondent without notice and compensation. Thus it is stated that the termination, in question, is illegal and the same be set-aside and the petitioner be re-instated with back wages.

3. On the other hand, the respondent has admitted that the petitioner was appointed as whole-time contingent paid sweeper and she had worked till 17-4-1989 and thereafter, her services were terminated. It is stated that no sanction for filling up of the said post was received for the year, 1989-90, and as such, the services of the petitioner were terminated.

4. From the pleadings of the parties, my learned predecessor had framed the following issues :—

1. Whether the termination of the petitioner by the respondent is legal and justified *OPR.*

2. Relief.

5. "I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

Issue No. : 1. No.

Relief : Reference answered in favour of the petitioner and against the respondent.

REASONS FOR DECISION

Issue No. 1 :

It is admitted case of the parties that the petitioner was appointed as whole time contingent paid sweeper on 20-2-1985 and thereafter, she had worked continuously till 17-4-1989 when her services were terminated without any notice or compensation. Now, the sole question which requires determination is as to whether the said termination is legal and justified or not. For this purpose the present case has to be examined in the light of the provisions of Section 25-F of the Industrial Disputes Act, 1947, which deals with the case of termination, which amounts to retrenchment. Section 25-F *ibid* provides that services of a workman, who has rendered more than one year continuous service, cannot be terminated unless he has been served with a notice of one month and he/she has been paid one month's wages in lieu thereof and he/she has also been paid compensation. The said provision of the Section 25-F of the Industrial Disputes Act, 1947 is mandatory.

7. It would be evident from the aforesaid provision of Section 25-F of the Industrial Disputes Act, 1947 that before the services of a worker, who has rendered one year continuous service are terminated, he or she has to be served with a notice of one month or has to be paid one month's wages in lieu of such notice. Apart from this, such worker has also to be paid compensation according to the number of years he or she has served. The said provisions of law are mandatory.

8. Adverting to the facts and circumstances of the case in hand and the evidence on record, it can straight-away be held that the petitioner had rendered more than one year continuous service and as such, she was entitled to the benefit of Section 25-F *supra*. Admittedly the respondent-management had not complied with the provisions of Section 25-F of the Industrial Disputes Act,

1947, in the present case, because neither any notice was served upon the petitioner nor one month's wages in lieu of notice were paid to her. Similarly, no compensation was paid to the petitioner. Therefore, it can clearly be held that the termination, in question, is not legal and justified. As such, I hold that the respondent has failed to prove this issue. Accordingly, this issue is decided against the respondent and in favour of the petitioner.

RELIEF

9. Keeping my findings on the aforesaid issue in view, I hold that the termination of the petitioner is illegal and unjustified and as such, the same is set-aside and the petitioner is re-instated with back wages which are fixed at Rs. 15,000. Accordingly, the respondent-management is directed to take back the petitioner on the same post from which she was terminated and to pay her the back wages of Rs. 15,000 within a period of thirty days from the publication of this award, failing which the respondent will be liable to pay interest @18% P.A. from the date of this award. As such, the reference is answered in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of his award be supplied to the each of the parties free of costs, if applied for. The file after its completion be consigned to the record room.

Announced in the Open Court today the 3rd June, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

(In the Court of Shri B.S. Chauhan, Presiding Officer.)
Labour Court, Himachal Pradesh, Shimla.

Reference No : 26/93
Instituted on : 29-1-1993
Decided on : 13-6-1994.

Shri Parkash Singh S/O Shri Kanshi Ram, V.P.O. Barotiwala, District Solan. Himachal Pradesh.
.. Petitioner.

Versus

Managing Director, M's Shell Papers Pvt. Ltd., Barotiwala, District Solan.
.. Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J.C. Bhardwaj, AR.
For respondent : Ex. parte.

AWARD

Through this reference the State Government has referred the dispute regarding the termination of the services of Shri Parkash Singh for determination by this Court.

2. The case of the petitioner Shri Parkash Singh is that he was employed by the respondent as Mechanical Senior Fitter in February, 1990 and thereafter, he had served the respondent continuously till 17-4-1992, on which date his services were terminated without any notice and compensation. It is stated that the termination of the petitioner is illegal and unjustified and as such, the same be set-aside and the petitioner be reinstated with back wages.

3. The respondent is *ex-parte* because despite service, no one had appeared for the respondent on 8-2-1994.

4. In support of his claim, the petitioner has led *ex-parte* evidence. The scrutiny of the said *ex-parte* evidence would go to show that the petitioner had been continuously in service in the respondent factory during the period from February, 1990 to 1992 and his services were terminated on 17-4-1992 by the respondent without any notice and compensation. It is also evident from the *ex-parte* evidence on record that when the petitioner had raised the demand for payment of arrears of his wages, he was maltreated by the officers of the respondent and was forced to sign a blank paper, which was later on used as resignation of the petitioner. The petitioner had thereafter forcibly been taken in the vehicle of the respondent to its head office at Chandigarh, where he is alleged to have been confined for six days. The petitioner lodged a complaint with the police regarding this incident and Ex. PA is a copy of the said complaint. Subsequently, the petitioner had written a letter to the respondent-management in which it was made clear that he had not resigned and rather he was compelled and forced to sign a blank paper, which was subsequently used as his resignation. Ex. PB is a copy of the said letter. Further, the petitioner has also placed on record Ex. PD, which is a copy of the letter dated 24-4-1992 which he had received from the management, in which it was intimated that the petitioner had resigned and that he should produce no dues certificate so that his outstanding dues could be cleared. Subsequently, the petitioner had approached the Labour Inspector concerned and had also written to Deputy Superintendent Police, Nalagarh, but, nothing had happened. It would thus be clear from the said *ex-parte* evidence of the petitioner that he had not resigned, but he was compelled to sign a blank paper, which was used as his resignation and as such, the termination, in question, of the petitioner is illegal and unjustified. There is nothing on record to disbelieve the *ex-parte* evidence aforesaid of the petitioner because the respondent has failed to contest the claim of the petitioner. Therefore, the petitioner has proved that he had not resigned from the job, but, his services were terminated without any notice and compensation. Thus, I hold that the termination of the petitioner is illegal and unjustified and the petitioner is entitled to re-instatement with back wages. As such, the petitioner is ordered to be re-instated with full back wages. Accordingly, the reference is decided in favour of the petitioner and against the respondent and the same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of

this award be supplied to each of the parties if applied for, free of cost. The file after its completion be consigned to the record room.

Announced in the Open Court today the 13th June, 1994.

Seal.

B. S. CHAUHAN
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No. : 108 of 1992.

Instituted on : 5-3-1993.

Decided on : 29-6-1994.

Shri Krishan Pal s/o Shri Chint Ram, Village
Bated, P.O. Barotiwala, District Solan. ... Petitioner.

Versus

Management of M/s Rama Steels Pvt. Ltd., Bared
(Barotiwala) District Solan ... Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J.C. Bhardwaj, AR.

For respondent : *Ex-parte*.

AWARD

Through this reference, the State Government has referred the dispute concerning the termination of the services of the petitioner Shri Krishan Pal, for determination by this Court.

2. The case of the petitioner is that he was employed by the respondent-management on 9-6-1990 as a worker and thereafter, he worked continuously till 21-1-1991, when his services were terminated without any notice and compensation. Thus, the petitioner has stated that the termination, in question, is illegal and unjustified and the same be set-aside and he be re-instated with back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on two grounds. The first ground is that the petitioner was employed on contract basis by Shri Prithi Singh and as such he was not employee of the respondent. Secondly, it is stated that the petitioner had resigned the job voluntarily and as such, the question of termination does not arise. Thus, it is stated that the petitioner is not entitled to any relief.

4. On the aforesaid pleadings of the parties, my learned predecessor had framed the following issues:—

1. Whether the respondent has terminated the petitioner's services without any justification and without complying the provisions of the notice/retrenchment compensation etc. ? *OPP.*
2. Whether the petitioner has resigned voluntarily ? *OPR.*
3. Relief.

5. I have heard the representative of the petitioner and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

Issues No. 1.	Yes.
Issue No. 2.	No.
Relief.	Reference answered in favour of the petitioner.

REASONS FOR DECISION

6. Issue No. 1 and 2.

Since both these issues are inter-linked, the same are being taken up together for discussion and decision. In support of his claim to the effect that he had not resigned and his services were terminated without any notice and compensation by the respondent, the petitioner has examined himself as his witness and has stated that he had been employed by the respondent on 9-6-1990 on fixed wages of Rs. 900 per month and thereafter, he worked continuously till 21-1-1992, on which date his services were terminated without any notice or compensation. He has further deposed that thereafter, he had approached the Managing Director of the respondent, and the Labour Inspector concerned. The petitioner has placed on record Ex. P.A. and Ex. PB, which are copies of the letters addressed to the Managing Director and the Labour Inspector concerned. Further, the petitioner has placed on record Ex. PC, which is a copy of ESI card. In cross-examination, the petitioner has denied that he was employee of the contractor Shri Prithi Singh and he was not employee of the respondent-management. He has also denied that he had a quarrel with Shri Prithi Singh contractor as a result of which

he had abandoned the job. Similarly, he has denied that he had submitted his resignation. He has specifically denied that Ex. R-1 which is purported to be a copy of the resignation, bears his signatures. Further, he has also denied that Ex. R-2, which is stated to be a copy of full and final payment writing, bears his signatures. However, he has admitted that the respondent-factory is lying closed since July, 1993. On the other hand, the respondent has not led evidence because after the evidence of the petitioner was recorded, the case had been fixed for evidence of the respondent for 17-3-1994 on which date, no one had appeared for the respondent and as such, the respondent was proceeded against *ex parte*.

7. The scrutiny of the aforesaid evidence on record would go to show that the respondent has failed to show that the petitioner had actually resigned the job voluntarily because the petitioner has denied that Ex. R-1 which is purported to be his resignation bears his signatures. Similarly, the respondent has failed to prove that the petitioner was employee of contractor Shri Prithi Singh. In fact, whatsoever documentary evidence has been adduced by the respondent during the course of cross-examination of the petitioner, the same is totally insufficient to rebut the statement of the petitioner because the petitioner has categorically denied that Ex. R-1 and Ex. R-2 bear his signatures. Therefore, I am of the view that the evidence aforesaid of the petitioner is sufficient to conclude that he had not resigned and his services were terminated by the respondent without any notice or compensation. Evidently, the petitioner had worked for a period of more than one year and as such, he is entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947, which provides that a workman who has rendered continuous service of one year shall not be terminated unless he has been served with a notice of one month or has been paid one month's wages in lieu of such notice. Apart from this, such a workman is also entitled to compensation under Section 25-F *supra*. The provisions of Section 25-F of the Industrial Disputes Act, 1947 are mandatory and violation thereof would render the termination illegal. Admittedly, in the case in hand, the respondent had not complied with the provisions of the said section of law. As such, it can safely be held that the termination of the petitioner is illegal and unjustified. Therefore, I hold that the petitioner has proved issue No. 1 while, the respondent has failed to prove issue No. 2. Accordingly, Issue No. 1 is decided in favour of the petitioner, while, Issue No. 2 is decided against the respondent.

RELIEF

8. Keeping my findings on the aforesaid issues in view, I hold that the termination of the petitioner is illegal and unjustified and the petitioner is entitled to re-instatement with back wages. Accordingly, the termination, in question, is set aside and the petitioner is re-instated with full back wages till July, 1993 after which the factory of the respondent is stated to be lying closed. After July, 1993, the petitioner will be entitled to the usual consequential relief as a result of closure of the factory of the respondent. As such, the reference is decided in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the open Court today the 29th June, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No; 6 of 1993

Instituted on : 15-1-1993

Decided on : 15-7-1994

Shri Prakash Chand, V.P.O. Rajnagar, Tehsil and
District Chamba, Himachal Pradesh .. Petitioner.

Versus

Chairman, Khadi Mandal, Kullu, Himachal
Pradesh .. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For petitioner : In person.

For respondent : Shri Hira Lal, AR.

AWARD

Through this reference, the State Government has referred the dispute, concerning the termination of the petitioner, for determination by this Court.

2. The case of the petitioner is that he was appointed as salesman in Himachal Pradesh Khadi Mandal, Kullu in 1981 and thereafter, he had served the respondent continuously till 15-3-1991 on which date his services were terminated. It is stated that the termination of the petitioner is illegal because the same has been done with *mala fide* intention in order to victimize and harm the petitioner. It is further stated that neither any notice as is required under the Industrial Disputes Act, 1947 was served upon the petitioner nor any inquiry was held against him and as such, the termination is illegal. Thus, it is stated that the termination order be set aside and the petitioner be re-instated with back wages.

3. On the other hand, the respondent, Himachal Pradesh Khadi Mandal has contested the claim aforesaid of the petitioner on the ground that the petitioner was served with a notice and he was given reasonable opportunity of being heard before he was terminated from service. It is further stated that the reference is not maintainable in the present form and this Tribunal has no jurisdiction to adjudicate the said reference. It is also stated that since the petitioner had filed civil litigation against the respondent and had also committed irregularities, his conduct was not found suitable to retain him in service and as such, the order of termination was passed in accordance with the rules. Thus, it is stated that the termination order is legal and justified and the petitioner is not entitled to any relief.

4. On the aforesaid pleadings of the parties, following issues were framed :—

1. Whether the termination of the services of the petitioner Shri Parkash Chand by the respondent is illegal and unjustified and if so, to what relief, the petitioner is entitled to from the respondent

OPP

2. Whether this Tribunal has no jurisdiction to adjudicate this reference ?

OPR.

3. Whether the reference is not maintainable in the present form ?

OPR.

4. Relief.

5. I have heard the representative of the respondent and also the petitioner and have gone through the record. For the reasons to be recorded, hereinafter my findings on the aforesaid issues are under:—

FINDINGS

Issue No : 1. Yes. The petitioner is entitled to re-instatement with back wages.

Issue No. 2. No.

Issue No. 3. No

Relief : Reference answered in favour of the petitioner.

REASONS FOR DECISION

6. Issues No. 1, 2 and 3 :

Since all these issues are inter-linked, the same have been taken-up together for discussion and decision. At the outset, I would like to mention that though the respondent has taken the plea that the present reference is not maintainable nor this Tribunal has jurisdiction to adjudicate the same, but, it remains a fact that except these bald pleas, which have been taken in the reply, neither any evidence has been adduced to prove these averments nor the representative of the respondent, Khadi Mandal has stated any thing during the course of arguments about these issues. Therefore, in the absence of any material on record, I am inclined to hold that both these issues have not been proved by the respondent and as such, the same are decided against the respondent.

7. Admittedly, the respondent Khadi Mandal has not raised any plea to the effect that the Khadi Mandal is not an Industry and as such, the petitioner is not a workman. Therefore, in the absence of any such plea and also keeping in view the nature and function of Khadi Mandal, I am of the view that Khadi Mandal can conveniently be termed as industry within the meaning of the term "industry", which has been defined under section 2(j) of the Industrial Disputes Act, 1947. This being so the petitioner would fall within the definition of the worker as has been given in Section 2(s) of the Industrial Disputes Act, 1947.

8. After having come to the conclusion that the petitioner is a workman within the definition of section 2(s) of the Industrial Disputes Act, 1947, it has not to be seen as to whether the petitioner is entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947 because every case of termination which amounts to retrenchment, except that of contractual appointment, is to be examined in the light of the said section of law. Section 25-F *ibid* provides that a workman who has rendered one year continuous service shall not be terminated unless he has been served with a notice of one month or he has been paid wages in lieu of such notice. Apart from this, it is provided that every such workman shall be entitled to compensation according to the length of his service.

9. There is no denying the fact that the petitioner was appointed in the year, 1981 and his services were terminated in the year, 1991. Thus, the petitioner had rendered 10 years continuous service till his termination. As such, the petitioner is entitled to the protection of Section 25-F *supra*. Evidently, in the case in hand one month's notice was not served upon the petitioner nor he was paid any wages in lieu thereof. Similarly, the petitioner was not paid any compensation. Therefore, it is a case of gross violation of Section 25-F of the Industrial Disputes Act, 1947. As regards the show cause notice of 15 days, which had been served upon the petitioner by the respondent-management, neither the same can be construed as a notice under Section 25-F of the Industrial Disputes Act, 1947 nor the management legally justified to terminate the services of the petitioner even if the reply to the said notice was not found satisfactory, unless an inquiry was held in respect of the allegations, which were mentioned in the said show cause notice. Therefore, I am of the view that the termination, in question, is illegal and unjustified. As such, the petitioner has proved issue No. 1, while the respondent has failed to prove Issues No. 2 & 3. Accordingly, Issue No. 1 is decided in favour of the petitioner, while, Issues No. 2 & 3 are decided against the respondent.

RELIEF

10. Keeping my findings on the aforesaid issues in view, I hold that the termination, in question, is illegal and unjustified and as such, the petitioner is reinstated with full back wages. The respondent is directed to take back the petitioner on the same post from which he was terminated and to pay him full back wages for the period, in question. As such, the reference is decided in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, if applied for, free of cost.

The file after its completion be consigned to the record room.

Announced in the open Court today the 15th July, 1994.

Seal, B.S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court Himachal Pradesh Shimla

Reference No : 51/93.

Instituted on : 22-4-1993.

Decided on : 23-4-1994.

Shri Pritam Chand s/o Shri Gorakh Ram, V.P.O.
Barsar, District Hamirpur, Himachal Pradesh

.. Petitioner.

Deputy Director Agriculture, Hamirpur, Himachal Pradesh

.. Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri Hem Raj, AR.
For respondent : *Ex-parte*.

AWARD

Through this reference, the State Government has referred to this Court, the dispute with respect to the termination of services of the petitioner Shri Pritam Chand by the respondent, Deputy Director, Agriculture Hamirpur.

2. The case of the petitioner is that he had been working on daily wages as Beldar in the Agriculture Department, Hamirpur *w.e.f.* 1-1-1988 to 1-7-1991. It is stated that the petitioner had worked continuously as Beldar on daily wages *w.e.f.* 1-1-1988 to 1-7-1991, on which date, his services were terminated by the respondent without any notice or compensation. It is further stated that the petitioner had completed 240 days prior to his termination and as such, his services could have not been terminated except in accordance with the provisions of Section 25-F of the Industrial Disputes Act, 1947. Thus, it is stated that since the respondent had violated the provisions of Section 25-F of the Industrial Disputes Act, 1947, the termination of the petitioner is illegal and unjustified and as such, the petitioner be re-instated with back wages.

3. On the other hand, the respondent has contested the case aforesaid of the petitioner on the ground that the petitioner had abandoned the job himself. Thus, it is stated that the services of the petitioner were not terminated and as such, the petitioner is not entitled to the benefit of Section 25-F of the Industrial Disputes Act, 1947.

4. On the aforesaid pleadings on the parties, the following issues were framed :—

1. Whether the termination of the petitioner Shri Pritam Chand is illegal and unjustified? If so, to what relief the petitioner is entitled to? *OPP.*
2. Whether the petitioner had abandoned the job himself? *OPR.*
3. Relief.

5. After framing the aforesaid issues, the case was taken up for the evidence of the petitioner on 3-3-1994, but, on that date no one had appeared for the respondent and as such, the respondent was proceeded *ex-parte*. Till today, no one has appeared for the respondent and as such, the respondent continues *ex-parte*. The petitioner has led *ex-parte* evidence in support of his claim and has stated that he has worked continuously *w.e.f.* 1-1-1988 to 1-7-1991 and his services were terminated without any notice or compensation.

6. I have heard the representative of the petitioner and have scrutinized the evidence on record. For the reasons to be recorded hereinafter, my findings on aforesaid issues are as under:—

FINDINGS

Issue No. 1 : Yes.

Issue No. 2 : No.

Relief : Reference answered in favour of the petitioner. Reinstatement of petitioner ordered with back wages.

REASONS FOR DECISION

7. Since both these issues are inter-linked, the same have been taken up together for discussion and decision. The scrutiny of the *ex-parte* evidence of the petitioner on record would clearly go to show that the petitioner had worked continuously *w.e.f.* 1-1-1988 to 30-6-1991 and on 1-7-1991, his services were terminated without any notice or compensation. Now, in order to hold as to whether the petitioner is entitled to any relief, the case of the petitioner has to be examined in the light of the provisions of Section 25-B and 25-F of the Industrial Disputes Act, 1947. Section 25-F provides that no workman employed in any industry who has been in continuous service for not less than one year shall be retrenched by the employer until he has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice, wages for the period of notice. It further provides that at the time of retrenchment, the workman must be paid compensation which shall be equivalent to fifteen days, average pay for every completed year of continuous service or any part thereof in excess of six months.

8. It would be evident from the aforesaid provisions of Section 25-F of the Industrial Disputes Act, 1947 that in order to bring the case within the ambit of this section, a workman must show that before his services were retrenched, he had put in continuous service of one year. Apart from this, the workman is required to show that no notice was served upon him in the manner provided for in the said section nor he was paid any compensation. The connotation of 'continuous service' has been defined in Section 25-B of the Industrial Disputes Act, 1947. It provides that a workman shall be said to be in continuous service for a period of one year, if the workman, during the period of twelve calendar months preceding the date of his termination, has worked for not less than 240 days. Thus, before a workman can be considered to have completed one year service, it must be shown that he was employed for a period of not less than twelve calendar months and during those twelve calendar months, he had worked for not less than 240 days. Evidently, in the present case, not only the evidence of the petitioner would go to show that he has worked for 240 days within twelve calendar months prior to the date of his termination,

but, this fact has also borne out of the details of working days, which have been given in para-3 of the reply filed by the respondent. Further, it is also clear from the evidence of the petitioner that neither any notice was served upon him nor any retrenchment compensation was paid to him. However, the respondent has failed to adduce any evidence so as to show that the petitioner had abandoned the job himself. Accordingly, I come to the conclusion that the termination of the petitioner is illegal and unjustified. Therefore, I hold that the petitioner has proved issue No. 1, while the respondent has failed to prove issue No. 2. As such, issue No. 1 is decided in favour of the petitioner, while issue No. 2 is decided against the respondent.

RELIEF

9. Keeping my findings on the aforesaid issues in view, the reference is decided in favour of the petitioner and against the respondent. Accordingly, I hold that the termination of the petitioner is illegal and unjustified and the petitioner is entitled to re-instatement with back wages, which are assessed at Rs. 5,000. Therefore, the respondent is directed to take back the petitioner on the same job from which he was terminated and also to pay him back wages of Rs. 5,000. Accordingly, the reference stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to the parties, if applied for, free of cost. The file after its completion be consigned to the record room.

Announced in the Open Court today the 23rd April, 1994.

Seal.

B. S. CHAUHAN.

Presiding Officer,

Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

Reference No : 36/1992

Instituted on : 4-2-1993

Decided on : 16-3-1994

Roop Ram s/o Shri Ram Saran, Village Majhol,
P.O. Kiarighat, District Solan, Himachal Pradesh.

.. Petitioner.

Versus

District Horticulture Officer, Solan, Himachal Pradesh
.. Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947

For petitioner : Shri Hem Raj, AR.

For respondent : Shri Baldev Singh, Respondent.

AWARD

Through the present reference, bearing No 19-12/90-Shram, dated 21-7-1992, the State of Himachal Pradesh has sought for determination of a dispute by this Court, with respect to the termination of the petitioner Shri Roop Ram, who is stated to have been terminated by the respondent, Horticulture Department, Himachal Pradesh, after 13 years of service, without any notice.

2. The case of the petitioner Shri Roop Ram is that he was employed by the respondent, District Horticulture Officer, Solan, Himachal Pradesh, as Beldar on daily wages in December, 1981 and since then he had been working as Beldar on daily wages till 30-4-1990. It is alleged that after 30-4-1990, the petitioner was told that

his services were not required and as such, the same stood terminated. Thereafter, the petitioner had knocked at the doors of the higher authorities of the Horticulture Department, but to no avail. Subsequently, he has raised the dispute before the Conciliation Officer concerned, but, no conciliation could be effected. Ultimately, the dispute was referred to this Court for adjudication.

3. The petitioner has assailed the termination in question, on the ground that since he had not been served with any notice nor any compensation in lieu such notice was paid to him, the termination is illegal and as such, he is entitled to re-instatement with back wages.

4. On the other hand, the respondent has stated that the petitioner had been working as Beldar on daily wages since 1982 and after 30-4-1990, the petitioner had abandoned the job himself. Thus, it is stated that there was hardly any occasion to serve notice upon the petitioner because he had abandoned the job himself. As such, it is stated that the petitioner is not entitled to any relief.

5. On the pleadings of the parties, following issues were framed by my learned predecessor :—

1. Whether the petitioner has abandoned the services as alleged? (OPR)
2. Whether the termination of the petitioner is legal and unjustified as alleged? (OPP)
3. Relief.

6. I have heard the representatives of the parties and have scrutinized the evidence on record. For the reasons to be recorded hereinafter, my findings on above mentioned issues are as follows:—

FINDINGS

Issue No. 1 : No.
 Issue No. 2 : Yes.
 Relief : Reference answered in favour of the petitioner and termination held illegal and unjustified. Petitioner reinstated with back wages.

REASONS FOR DECISION

Issues No. 1 and 2 :

7. Since both these issues are interlinked, the same have been taken up together for discussion and decision. The case of the petitioner is that after 30-4-94 he was not allowed to join his duty. On the other hand, the respondent has taken the plea that after 30-4-1990, the petitioner had abandoned the job himself. The plea of the respondent to the effect that the petitioner had abandoned the job himself, does not appear to be plausible and convincing because the statement of Shri P.S. Thakur, District Horticulture Officer (RW 1) coupled with the contents of Exs. R 2 and R 3 would go to show that the post which was being held by the petitioner had been filled in on regular basis in March, 1990 and one Shri Baldev Chand, Beldar had joined against the said post. Further, it is a fact that no notice was issued by the respondent to the petitioner after 30-4-1990. The plea of the respondent is that notice was not issued because the petitioner had abandoned the job himself. Evidently, this plea does not hold good because it was incumbent upon the respondent to have issued notice to the petitioner even if the petitioner had abandoned the job himself, because the petitioner had completed one year regular service prior to 30-4-1990. Moreover, this plea of the respondent has been fully belied by Shri P.S. Thakur, District Horticulture Officer (RW 1), who has stated in the cross examination that notice was not served upon the petitioner because regular employee had been posted in place of the petitioner. Therefore, for the reasons stated above, I am of the view that the petitioner had not abandoned the job himself, but, he had been terminated because a regular Beldar had been posted in his place.

As such, the respondent has failed to prove that the petitioner had abandoned the job himself.

8. Now, once it is established that the petitioner had not abandoned the job himself, but, he had been retrenched, it has to be proved by the petitioner that the said retrenchment is illegal. In order to hold that a particular retrenchment is illegal, each case has to be tested in the light of the provisions of Section 25 F of the Industrial Disputes Act, 1947. Section 25 F *ibid* provides that no workman who has completed one year continuous service shall be retrenched unless one month notice in writing indicating the reasons for retrenchment has been served upon the workman and the period of such notice has expired or the workman has been paid, in lieu of such notice, wages for the period of the notice. In addition to this, the workman has to be paid retrenchment compensation which shall be equivalent to 15 days average pay for every completed year of continuous service or any part thereof in excess of six months. The said provision of law is a mandatory one and violation thereof would render the termination illegal. Therefore, it is clear from the said provision of law that after a workman has completed one year continuous service, his services can be dispensed with only after the expiry of 30 days notice, wherein reasons for retrenchment must be mentioned or his services can be dispensed with if he is paid wages of one month in lieu of notice and also compensation. Section 25 B defines as to what is one year continuous service. It provides that if a workman has done 240 days of work during the 12 calendar months immediately preceding the retrenchment, he should be deemed to have completed one year continuous service. Therefore, the net result of the said legal discussion is that before a workman can be considered to have completed one year of continuous service, it must be shown first that he was employed for a period of not less than 12 calendar months and next that he had worked for not less than 240 days during the said period of twelve calendar months.

9. Adverting to the facts and circumstances of the case, in question, and the evidence on record, it can straight away be held that the petitioner had rendered one year continuous service till 30-4-1990. This fact is not denied by the respondent and is also apparent from Ex. R 1 which is a copy of the attendance record of the petitioner. Admittedly, the respondent had neither served any notice on the petitioner nor any wages in lieu of notice were paid nor the petitioner was paid any compensation. However, the respondent has failed to prove that the petitioner had abandoned the job himself. Therefore, the petitioner has proved that the retrenchment, in question, is illegal and as such, he is entitled to the protection of Section 25-F *supra*. This being so, it can clearly be held that the respondent has violated the mandatory provisions of Section 25-F and as such the termination of the petitioner is illegal and unjustified. Accordingly, I come to the conclusion that the respondent has failed to prove issue No. 1, while the petitioner has proved issue No. 2. Therefore, issue No. 1 is decided against the respondent and issue No. 2 is decided in favour of the petitioner.

RELIEF

10. Keeping my findings on the above mentioned issues in view, the termination, in question, is set-aside. The petitioner is ordered to be re-instated *w.e.f.* 1-5-1990 with back wages of Rs. 10,000. As such, the reference stands answered accordingly. A copy of this award be sent to the Government of Himachal Pradesh, Shimla for its due publication in Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its due completion be consigned to the record room.

Announced in the open Court today the 16th March, 1994.

Scal.

B.S. CHAUHAN,
 Presiding Officer,
 Labour Court, Himachal Pradesh Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

Reference No. : 68/93.
Instituted on : 22-6-1993.
Decided on : 23-5-1994.

Shri Medh Ram s/o Shri Lachi Ram. Village
Manya, P.O. Bathalag, Tehsil Arki, District Solan,
Himachal Pradesh .. Petitioner.

Versus

Managing Director, Himachal Road Transport
Corporation, Shimla .. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947

For petitioner : Shri J.C. Bhardwaj, AR.
For respondent : Shri K.C. Chauhan, AR.

AWARD

Through this reference, the State Government has referred to this Court, the present dispute, in respect of the termination of the services of the petitioner Shri Medh Ram, for determination.

2. The case of the petitioner is that he was appointed as Washerman by the respondent Himachal Road Transport Corporation at Parwanoo. Thereafter, he had been working till 1-1-1990, when he was terminated without any notice and compensation. It is further stated that one Shri Gita Ram, who was junior to the petitioner is still working in the respondent workshop at Parwanoo. Thus, the petitioner has stated that his termination is illegal and he is entitled to re-instatement with back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that the petitioner had abandoned the employment, in question, himself. It is further stated that the petitioner was engaged as Washerboy on 22-4-1988 and not on 1-1-1987 and he had worked till 21-1-1989 on fixed wages of Rs. 400 per month. It is also stated that during the said period, the petitioner had worked only for 237 days and as such, he is not entitled to any relief. However, it is not disputed that Shri Gita Ram is junior to the petitioner and he is still working in the respondent workshop at Parwanoo.

4. On the aforesaid pleadings of the parties, the following issues were framed :—

1. Whether the termination of the petitioner Shri Medh Ram is legal and justified ? OPR.
2. Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded herein after, my findings on the aforesaid issues are as under :—

FINDINGS

Issue No. 1 : Yes.
Relief : Reference answered against the petitioner.

REASONS FOR DECISION

Issue No. 1 :

The scrutiny of the evidence on record coupled with the record, which was produced by the respondent-management during the course of arguments, would go to show that the petitioner had worked only for 237 days during the period of his employment. This fact has not been disputed by Shri J.C. Bhardwaj, representative of the petitioner during the course of arguments. The basic

condition for application of Section 25-F of the Industrial Disputes Act, 1947, vide which a workman can challenge his retrenchment, is that the workman concerned must have worked at least for 240 days during the period of one year preceeding the date of retrenchment. Evidently, in the instant case, the petitioner, during whole of the period of his employment, has worked only for 237 days. Therefore, it can straight-away be held that neither the respondent-management was required to serve any notice on the petitioner and to pay him compensation, at the time of retrenchment, if any, nor the petitioner can claim the protection of Section 25-F *supra* unless he fulfills the basic condition of 240 days. Further, the evidence on record would go to show that though the petitioner had left the job on 15-9-1989, but, he did not raise the dispute before the Conciliation Officer concerned till November, 1992. This would clearly go to show that the petitioner had been actually retrenched, then he would have been prompt enough to raise the dispute before the Conciliation Officer, but, he did not do so. Therefore, it can be inferred that the petitioner had abandoned the job himself. Thus, for the reasons mentioned above, the petitioner is neither entitled to any relief under Section 25-F of the Industrial Disputes Act, 1947 nor he is entitled to any relief under Section 25-G of the Industrial Disputes Act, 1947. Accordingly, this issue is decided in favour of the respondent and against the petitioner.

RELIEF

7. Keeping my findings on the aforesaid issue in view, I hold that the petitioner is not entitled to any relief. Accordingly, the reference is answered against the petitioner and in favour of the respondent. A copy of this award be sent to the Government of Himachal Pradesh, Shimla for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost if applied for. The file after its completion be consigned to the record room.

Announced in the open Court today the 23rd May, 1994.

Seal.

B.S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No. : 76/1992.
Instituted on : 5-12-1992.
Decided on : 25-4-1994.

S/Shri Dharam Singh and Rati Ram. Village Gonth
Manjholi, Tehsil Chopal. District Shimla. Himachal
Pradesh .. Petitioners.

Versus

Executive Engineer, State Electricity Board Division,
Theog. District Shimla. Himachal Pradesh
.. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For petitioners : Shri Hem Raj, AR.
For respondent : Shri S. P. Sharma, AR.

AWARD

Through this reference, the State Government has referred a dispute with respect to the termination of the petitioners S/Shri Dharam Singh and Rati Ram, who are alleged to have been terminated illegally by the respondent.

2. The case of the petitioners is that they had worked as Beldars on daily wages in the HPSEB sub-division,

Kupvi in tehsil Theog during the period from 15-8-1990 to 27-2-1992. It is alleged that on 27-2-1992, the services of the petitioners were terminated without any notice or compensation. Thus, the petitioners have alleged that their services have been terminated illegally and as such, the respondent be ordered to re-instate the petitioners with back wages.

3. On the other hand, the respondent has contested the case of the petitioners on the sole ground that the petitioners had abandoned the services themselves.

4. On the aforesaid pleadings of the parties, following issues were framed :—

1. Whether the termination of the services of the petitioners S/Shri Dharam Singh and Rati Ram is illegal and unjustified ? If so, to what relief each of these petitioners is entitled to ? *OPP*.
2. Whether the petitioners had abandoned the services themselves, as alleged ? *OPR*.
3. Relief.

5. Both the parties have led evidence in support of their respective contentions. I have heard the representatives of the parties and have scrutinized the evidence on record. For the reasons to be recorded hereinafter, my findings on aforesaid issues are as under :—

FINDINGS

Issue No 1. : Yes.

Issue No 2. : No.

Issue No 3. : Reference answered in favour of the petitioners and the petitioners ordered to be re-instated with back wages.

REASONS FOR DECISION

Issue No. 1 and 2 :

6. Since both these issues are interlinked, the same have been taken up together for discussion and decision. It is admitted by the respondent in its reply that the petitioners had been working on daily wages during the period from 18-8-1990 to 21-2-1992. It is also admitted by the respondent that neither any notice was served upon the petitioners nor any retrenchment compensation was paid to them. Thus, the entire case hinges upon the plea of the respondent to the effect that the petitioners had left the service themselves. In order to prove this plea, the respondent has examined two witnesses, out of which, one is Shri Sudhaker Sharma (RW-1), who is Assistant Engineer, Electrical Sub-Division No. 2, Kupvi. He has stated that the petitioners had abandoned the job themselves and they were not terminated. However, in cross-examination, he has stated that he was not Assistant Engineer of Kupvi Sub-Division at the relevant time. He has further admitted that neither any notice was served upon any of the petitioners after they had absented nor any enquiry was held against them. The other witness Shri Amrit Lal (RW-2) is the Junior Engineer concerned. He has stated that the petitioners were not terminated and they had abandoned the services themselves. In cross-examination, he has denied that the petitioners had been coming on duty till 27-2-1992 and he had not marked their presence. On the other hand, both the petitioners have stated that they had not abandoned the services themselves, but, they were terminated by the respondent because they were not allowed to attend their duties nor they were marked present. The petitioners have placed on record Ex. P-A, P-B. and P-C, which are copies of letters, which were written by the petitioners to the higher authorities of State Electricity Board with respect to their illegal termination. The perusal of the contents of these letters would go to show that the petitioners had been representing against their illegal termination right from 6-3-1992 onwards, but, despite their best efforts, they would not get any reply to their representations.

7. The scrutiny of the aforesaid evidence of the parties on record would go to show that for two reasons, the plea of abandonment which has been set up by the respondent is neither plausible and convincing nor the same has been proved by the evidence aforesaid on record. The first reason is that had there been abandonment of the job themselves by the petitioners, then there was no occasion for the petitioners to have represented against their termination. The fact that the petitioners were aggrieved by their termination is fully borne out of the documentary evidence aforesaid on record which has been led by the petitioners. Therefore, in the wake of the said documentary evidence coupled with the statements of the petitioners it is difficult to believe the statements of the two witnesses aforesaid of the respondent, to the effect that the petitioners had abandoned the services themselves. Secondly, had it been actually a case of abandonment then the respondent should have complied with the relevant procedure in accordance with the relevant rules, so as to show its bona fide to the effect that the petitioners had actually abandoned the job themselves. Apparently, this has not been done and as such, it cannot be believed that the petitioners had actually abandoned their job.

8. Therefore, for the reasons mentioned above, I am clearly of the view that the petitioners' services were terminated and the respondent has failed to prove that the petitioners had abandoned their services themselves.

9. Now, it has to be determined as to whether the petitioners are entitled to any relief under Section 25-F of the Industrial Disputes Act, 1947, which deals with that termination, which amounts to retrenchment. Before a workman can obtain relief under Section 25-F *supra*, he has to establish that prior to the date of termination, he had rendered continuous service of one year. The term "continuous service" has been defined in Section 25B of the Industrial Disputes Act, 1947. It provides that a workman is said to have rendered one year continuous service, if he has actually worked for 240 days within twelve calendar months prior to the date of termination. Apart from this, a workman has also to show that he had been employed for a period of not less than twelve calendar months prior to the date of termination. Evidently, in the case in hand, it has abundantly been proved that the petitioners were employed for a period of more than 12 calendar months and within twelve calendar months prior to the date of their termination, they had actually worked for more than 240 days. Apart from this, the petitioners have proved that no notice was served upon them nor any retrenchment compensation was paid to them. This being so, the petitioners have proved all the conditions, which are essential for obtaining relief under Section 25-F of the Industrial Disputes Act, 1947. Therefore, I hold that the termination of the petitioners is illegal and unjustified and same is not sustainable in the eye of law. Accordingly, I come to the conclusion that the petitioners have proved issue No. 1, while, the respondent has failed to prove issue No. 2. As such, issue No. 1 is decided in favour of the petitioners, while, issue No. 2 is decided against the respondent.

RELIEF

10. Keeping my findings on the aforesaid issues in view, I hold that the termination of the petitioners S/Shri Dharam Singh and Rati Ram is illegal and unjustified and the petitioners are entitled to re-instatement with back wages, which are assessed at Rs. 4,000 in each case. Accordingly, the respondent is ordered to take back the petitioners and to pay back wages of Rs. 4,000 to each of the petitioners. The reference is answered accordingly in favour of the petitioners. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the open Court today the 25th April, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No. : 79/1992

Instituted on : 5-10-1992

Decided on : 16-3-1994

Shri Harnam Singh s/o Shri Pritam Singh, Type-II,
Set No. 124, Kasumpti, Shimla-9 .. Petitioner.

Versus

Advisor (Planning), Himachal Pradesh,
Shimla-171002 .. Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J. C. Bhardwaj, AR.

For respondent : Shri S. D. Verma, AR.

AWARD

Through this reference, the State Government has referred the dispute with respect to the termination of the services of the petitioner by the respondent.

2. The case of the petitioner is that he was appointed by the respondent as Stenographer w.e.f. 16-10-1989. Thereafter, he had worked for one year and nine months till 1-8-1991 on which date, his services were terminated by the respondent. It is stated that no notice was served upon the petitioner before his services were terminated nor any compensation was paid to him and as such, the termination, in question, is illegal. Thus, the petitioner has stated that the termination be set-aside and he be re-instated with back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner mainly on two grounds. The first ground is that the petitioner does not fall within the definition of

REASONS FOR DECISION

Issues No. 1 and 2 :

6. Since both these issues are interlinked, the same have been taken up together for discussion and decision. It is admitted case of the parties that the petitioner was not served with any notice before his services were terminated nor any wages were paid to him in lieu of notice. Similarly, no retrenchment compensation was

paid to the petitioner. The respondent has taken two grounds in order to defeat the claim of the petitioner. The first ground is that the petitioner was employed on contractual basis, while, the second ground is that the petitioner was not a workman because the planning department is not an Industry. On the other hand, the petitioner has taken the plea that the Planning Department is an Industry and as such, he was workman. Similarly, it is stated that the appointment of the petitioner was not a contractual one.

7. Now, in order to determine the question as to whether the petitioner was a workman or not, the definition of workman has to be looked into. Section 2(s) of the Industrial Disputes Act, 1947 provides that "workman" means any person employed in any industry to do any manual and skilled, unskilled, technical, operational, clerical or supervisory work for hire or reward. It would be evident from the said definition of workman that before the petitioner can be held to be a workman it has to be seen as to whether the Planning Department is an industry or not. For this purpose, the case of the petitioner has to be examined in the light of the definition of industry. Section 2(j) of the Industrial Disputes Act, 1947 provides that "industry" means any systematic activity carried on by cooperation between any employer and his workman for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes, whether or not any capital has been invested for the purpose of carrying on such activity or such activity is carried on with a motive to make any gain or profit.

8. It would be evident from the aforesaid definition of "industry" that before a particular department can be brought within the ambit of the said definition of industry, it must be involved in any business or trade like systematic activity, which has been organised by cooperation between the employer and the employees for production and distribution of goods and services. However, it is not necessary that there should be an element of profit in the said activity. For example, public utility service would squarely fall within the scope of the said definition of industry. Thus, the sum and substance of the said definition is that in order to hold that a particular department is an industry, it must be discharging systematic business or trade like functions and must be directly rendering services, though the profit motive may be absent.

9. Adverting to the facts and circumstances of the case, in question, and the evidence on record, it can clearly be held that the main function of the planning department is to monitor funds and for this purpose, it allocates funds to the various departments for execution of their schemes. Therefore, it would not be correct to say that the planning Department is rendering any direct service. This being so, I am of the view that the Planning department is not an industry. Consequently, the petitioner cannot be held to be a workman.

10. Coming to the question as to whether the employment of the petitioner was a contractual one or not, the evidence on record would go to show that the petitioner was being appointed for fixed periods from time to

time and no single appointment was made for a period exceeding three months. Further, there had been breaks in between the two appointments. Thus, the petitioner knew that his last appointment was to expire on a particular date, which was already mentioned in the appointment letter. Not only this, the nature of the work which was entrusted to the petitioner also envisaged that the petitioner had been appointed for a particular job and his services would not be required after the said work was over. Therefore, there is no escape from the conclusion that the appointment of the petitioner was a contractual one.

11. The next question which now arises for determination is as to whether the case aforesaid of the petitioner would fall within the definition of the word 'retrenchment'. This is essential because for the purpose of obtaining relief under Section 25-F of the Industrial Disputes Act, 1947, a workman has to establish that his services have been retrenched. As such, it is relevant to mention here the definition of 'retrenchment'. Section 2(oo) of Industrial Disputes Act, 1947 defines "retrenchment". It provides that retrenchment means the termination by the employer of the service of workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action. It further provides that cases of voluntary retirement of the workman, retirement on reaching the age of superannuation, termination of workman as a result of non-renewal of its contract of employment and termination of service of a workman on the ground of continued ill health, would not fall within the definition of retrenchment. It would thus, be evident that contractual employment does not fall within the ambit of the definition aforesaid of retrenchment. It is *sine qua non* for the purpose of obtaining relief under section 25-F of the Industrial Disputes Act, 1947 that a workman have been retrenched from the service before he can invoke the provisions of the said section. Evidently, the petitioner has not been retrenched because his case does not fall within the ambit of the definition of retrenchment. Therefore, he cannot invoke the provisions of Section 25-F *supra*. This being so, it can straight-away be held that the petitioner is not entitled to any relief under Section 25-F of the Industrial Disputes Act, 1947.

12. The up-shot of the aforesaid discussion is that the employment of the petitioner was contractual one and termination of the services of the petitioner by the respondent after the last appointment had come to an end cannot be held as illegal and unjustified nor it can amount to termination within the meaning of Section 25-F of the Industrial Disputes Act 1947. Needless to mention here that every retrenchment is termination, but converse is not true because every termination is not retrenchment. For the purpose of the present case, the petitioner is required to show that his services were retrenched so as to bring his case within the four corners of Section 25-F of the Industrial Disputes Act, 1947. As such, I hold that the petitioner has failed to prove issue No. 1, while, the respondent has proved issue No. 2. Accordingly, issue No. 1 is decided against the petitioner, while issue No. 2 is decided in favour of the respondent.

RELIEF

13. Keeping my findings on the aforesaid issues in view, I come to the conclusion that the termination of the petitioner is not illegal and unjustified and as such, the petitioner is not entitled to any relief. Therefore, the reference is decided against the petitioner accordingly the reference stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the open Court today the 16th March, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Industrial Tribunal, Himachal Pradesh, Shimla-171 001

Reference No. : 70 of 1992
Instituted on : 4-11-1992
Decided on : 21-7-1994

Technical Services Union (Regd.), Punjab State
Electricity Board, unit of Shanan Power House,
Jogindernagar District Mandi ..Petitioner.

Versus

1. The Chairman, PSEB through Secretary, PSEB
The Mall, Patiala (Punjab).

2. The Superintending Engineer, Shanan Power
House, PSEB, Jogindernagar, District Mandi
.. Respondents.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For petitioner-Union : S/Shri Dhani Ram and S. S.
Pathania, ARs.

For respondents : Shri V.K. Gupta, AR and Sh.
T.R. Chutani, SE.

AWARD

The State of Himachal Pradesh vide its notification No. 19-8/89 Sharm-I, dated 24-9-1992, has referred the present dispute concerning the demands of the workers of Shanan Power House, Jogindernagar, for adjudication by this Tribunal.

2. The brief facts of the case are that the workers, who have raised the present dispute, are employees of Shanan Power House at Jogindernagar in District Mandi. The said power house is under Punjab State Electricity Board. In February, 1991, the Punjab State Electricity Board vide its office order No. 6708 dated 7-2-1991 had decided to reorganize the staffing pattern of its various power houses including Shanan Power House as a result of which out of 411 posts, all the 102 work-charged posts and 31 regular posts of Shanan Power House, were abolished. Due to the said abolition of the posts, the workers who have been working against these posts, became surplus and they are going to be transferred to various power houses of the PSEB in Punjab. On 9-4-1991, the union i.e. Technical Services Union, hereinafter referred to as the "petitioner-union" had served a notice of demands on the Punjab State Electricity Board, hereinafter referred to as the "respondent-management". In the said notice of demands, the petitioner-union had requested the respondent-management not to abolish the posts in Shanan Power House because the work of Shanan Power House was of a permanent nature and these posts were regular posts. These demands of the union did not find favour with the respondent and as such, a dispute arose between the two. The conciliation proceedings also ended in fiasco and ultimately, the State Government referred the matter to this Court, for adjudication.

3. The case of the petitioner is that there is no justification for abolition of 133 posts because the work load of the Shanan Power House has not decreased and rather the same has increased. It is stated that out of these 133 posts, 102 posts are of work charged employees and the

works against which these posts have been created are of permanent nature and as such, there is no justification for abolition of these 102 work charged posts. Thus, it is stated that instead of increasing the strength of workers, the respondent-management has decreased the same. It is alleged that it has been done in order to victimize the poor workers who belong to the villages which are near to Shanan Power House. Thus, it is stated that in case the management is allowed to abolish these posts, the poor workers would be forced to leave their homes and they would be transferred to far off places in the state of Punjab which would cause great hardship to the workers. As such, the petitioner-union has stated that its demands which are contained in its demand charter dated 9-4-1991 are genuine and justified and the office order No. 6708, dated 7-2-1991 be declared as null and void.

4. On the other hand, the respondent-management has contested the claim aforesaid of the petitioner on the ground that the Punjab State Electricity Board is competent to reduce the staff strength of Shanan Power House in order to ensure its efficient functioning. It is stated that in 1989, a committee comprising of various Superintending Engineers had been appointed by the Punjab State Electricity Board in order to review the working of various power houses including the Shanan Power House and the said committee had submitted its report in June, 1990 and on the basis of the recommendations of this committee, which were thoroughly scrutinized by the Chief Engineers of these power houses, the board had abolished the posts of Shanan Power House. It is further stated that the staff which has become surplus as a result of such abolition, is being adjusted in the other power houses and for this purpose, the transfer of the incumbents of these abolished posts is inevitable. However, it is stated that no worker is being retrenched nor is being reduced in rank. Similarly, it is stated that the wages of the said workers will not be reduced and such workers will be suitably adjusted in the State of Punjab. Thus, it is stated that the Punjab State Electricity Board is competent to deploy the surplus staff to other power houses in order to run the working of its power houses in a smooth and proper manner. It has further been mentioned that the respondent-management is duty bound to manage its affairs in the best public interest and for this purpose, the respondent-management is competent to transfer its workers from one place to other place. It is also stated that the transfer of the workers, in question, is being made within the establishment of Chief Engineer (Hydel). As such, it is stated that the petitioner-union does not have any right to restrain the respondent-management from abolishing these posts and from transferring the surplus workers to other places. Lastly, it is stated that the petitioner-union is not a legal entity so as to sponsor the demands, in question, nor the reference which has been made to the Tribunal is maintainable.

5. On the aforesaid pleadings of the parties, my learned predecessor had framed the following issues :—

1. Whether order No. 6708 dated 7-2-1991 of the Punjab State Electricity Board vide which 31 regular and 102 work-charged posts have been abolished, is legal and justified, if not, to what relief the workmen are entitled to ? OPR.
2. Whether the demands of the petitioner-union which have been raised in its demand charter dated 9-4-1991 are legal and justified and if so to what relief the workmen are entitled to ? OPP.
3. Whether the petitioner-union is not a legal entity, if so, its effect ? OPR.
4. Whether the order of reference, in question, which has been made to the Industrial Tribunal is not maintainable ? OPR.
5. Whether the transfer of the workers as a result of abolition of the posts is being made within the

establishment of Chief Engineer (Hydel), if so, its effect ? OPR.

6. Relief

6. I have heard the arguments which have been addressed by the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

Issue No. 1	No
Issue No. 2	Yes
Issue No. 3	No
Issue No. 4	No
Issue No. 5	Yes

Relief. Reference answered in favour of the petitioner-union.

REASONS FOR DECISION

Issues No. 1 and 2 :

7. Since both these issues are inter-linked. The same are being taken up together for discussion and decision.

8. Normally, it is the prerogative of the management to run its business and affairs in a profitable and economical manner and for this purpose, the management has every right to reduce and increase the strength of its workers and while doing so, the workers concerned cannot have any grievance against the management unless any right of the workers is infringed on account of the said action of the management. So much so, even if a particular management decides to reduce the strength of its workers, it may even retrench its workers in accordance with law. But, this hypothesis is not without exception. Thus, if it is found that a particular management has reduced or abolished the posts of its workers with some ulterior motive or in a mala fide manner in order to victimize and harm the workers, then the workers concerned have every right to challenge such action of the management. Thus, the present case has to be examined in the light of the said hypothesis.

9. The scrutiny of the evidence on record would go to show that there are various circumstances on the basis of which it can be inferred that the management has not acted in a fair and proper manner, while abolishing the work-charged posts. The first circumstance is that though the works against which these 102 work-charged posts were created have not come to an end, but all these 102 posts have been abolished. No plausible justification has been given for doing so nor it has been proved that the works for the execution of which these 102 posts were created, have now been completed. In fact, the evidence would go to show that these works are of permanent nature. The second circumstance is that out of 411 posts, 133 posts have been abolished, which would go to show that more than 30% posts have been abolished. The perusal of Ex. R-6 which document has been relied upon by the respondent would go to show that in UBDC and Mukerian power houses, there has been reduction of less than 10% only. Similarly, it would be relevant from the statement of Shri S.S. Kehlon, Resident Engineer (RW-4) Anandpur Sahib, that there has been increase of posts from 294 to 394. It would, thus, be clear that the magnitude of the reduction in respect of Shanan Power House has been alarming. The third circumstance is that the work-load of Shanan Power House has increased. The evidence on record would go to show that the power generation in Shanan Power which was once 48MW was increased to 60 MW and there after in 1982, it has been increased to 110MW. Thus, it is clear that the work-load of the power house has increased. However, the management, instead of creating additional posts, in order to cope with the increased load of work, has decided to abolish more than 30%. Apparently, this act of the management can hardly be

appreciated and justified. The fourth circumstance, which is the strongest circumstance, is that after the abolition of these posts, the then Superintending Engineer, Shanan Power House had written letter No. 2155 dated 28-4-92 a copy of which is Ex. P-24, in which it was made clear that the general view of the members of the committee who had recommended the abolition of these posts was that the reduction should not be more than 20%. As such, it was emphasized by the said Superintending Engineer that since the abolition of posts in respect of Shanan Power House was more than 30%, the same was not justified, especially, when all work-charged employees in Shanan Power House belonged to the nearby villages and their transfer would put them in great financial hardship being low paid employees. The contents of this letter would further go to show that the management vide order No. 6824 dated 18-9-1991 had constituted a committee to review the new staffing pattern, but, in the mean time the Government of India had declared a general policy of 10% cut in the overall strength of Government/Semi-government employees. Thus, the Superintending Engineer, Shanan Power House had recommended that there should be overall reduction of 10% only and if that was done, the same would be conducive to the economy and efficiency of Shanan Power House because most of the works of Shanan Power House were being done departmentally. The management has failed to explain as to what has happened to the said recommendations of the Superintending Engineer, Shanan Power House. Evidently, the management cannot easily brush-aside recommendations because the Superintending Engineer, Shanan Power House was the most appropriate authority being at the grass root level, who would have assessed the correct strength of staff which was required for coping with the existing work-load. In the absence of any evidence on record in rebuttal to the said recommendations of the Superintending Engineer, Shanan Power House and also in the absence of any explanation, it can be inferred that the management is inclined to abolish all the 102 work-charged posts irrespective of the fact that the existing work-load justifies continuation of these posts. As such, on this score also, it cannot be held that the management has acted in a fair and proper manner, while abolishing the posts, in question. The last circumstance is that the respondent has failed to adduce evidence to show that the committee had adopted a uniform and rational method to review the staffing pattern of all the power houses. Whatsoever evidence has been led by the respondent, on this aspect of the case, the same does not go to show that the reduction in the strength of staff in various power houses has been done on uniform pattern. Ex. R-6, which document has been relied upon by the management would itself go to show that the reduction in the other power houses has not been more than 10%, while in case of Shanan Power House, it has been more than 30%. Therefore, this circumstance also does not go to show that the management had acted in a fair manner, while abolishing the posts of Shanan Power House.

10. It would, thus, be evident from the aforesaid facts and circumstances of the case that the respondent has not acted in a fair manner, while reducing the strength of Shanan Power House by more than 30%. In fact, the letter aforesaid of Superintending Engineer, Shanan Power House, which is Ex. P-24, nullifies and belies the stand of the respondent, to the effect that there is justification for reduction of 30% posts. Further, it appears that the respondent-management had realized after abolishing the said posts that the reduction of 30% was not justified and as such, it had appointed a committee to review the implementation of the office order No. 6708 dated 7-2-1991, the report of which is still awaited. Therefore, after taking into consideration all the facts and circumstances of the case an inference can easily be drawn to the effect that the reduction of more than 30% in case of Shanan Power House has not been done in a fair and rational manner. This being so, the petitioner-union has every right to challenge the said action of the respondent-management on the ground of malafide. Therefore, I am of the view that Letter No. 6708 dated 7-2-1991 of the respondent-management is not legal and justified

and as such, the management is required to review and examine the matter afresh in a dispassionate manner by adopting a uniform pattern of staffing in respect of all the power houses. As regard the question of transfer, though this question has now become obsolete because the order dated 7-2-1991 of the management has been found illegal, but, even then this question requires explanation. There is no denying the fact that transfer is an incidence of service and generally, courts do not interfere with the order of transfer unless the transfer has been made with malafide intention. However, in the case in hand, it is not the case of a normal and general transfer, but, it is a peculiar case of forcible transfer as a result of abolition of posts. Had there been no abolition of posts, most of the workers, who are residents of nearby villages and are poor, would not have been transferred from Shanan Power House. Further, since the reduction of the strength has not been done in a fair manner, the malafide of the management cannot be ruled out. Therefore, the petitioner-union has a right to raise the demands, in question. As such, I am of the view that the demand charter dated 7-4-1991 of the petitioner-union is genuine and justified. Accordingly, I come to the conclusion that the respondent has failed to prove issue No.1, while the petitioner has proved issue No. As such, issue No. 1 is decided against the respondent, while, issue No. 2 is decided in favour of the petitioner-union.

Issue No : 3.

11. The evidence on record would go to show that the workers of Punjab State Electricity Board have a registered trade union in Punjab and the petitioner-union is a unit thereof. The respondent has taken the plea that since the petitioner-union is not registered in Himachal Pradesh, it cannot raise any demand and as such, the demand charter is illegal. I have considered the said plea and am of the view that the same does not have any substance because the petitioner-union is a unit of the said union and this unit has been functioning in Himachal Pradesh. Thus, it would be not correct to say that the petitioner-union is not a legal entity. As such, I am of the view that the respondent has failed to prove this issue. Accordingly, this issue is decided against the respondent.

Issue No : 4.

12. The plea of the respondent is that the reference, in question, should have been to the Labour Court, while, it has been made to the Industrial Tribunal because the subject matter of the reference falls within the ambit of Second Schedule of the Industrial Disputes Act, 1947. I have considered the said plea and am of the view that the dispute, in question, squarely falls within the ambit of item No. 11 of the Third Schedule of the Industrial Disputes Act, 1947. Therefore, this plea of the respondent does not have any substance. Accordingly, this issue is decided against the respondent.

Issue No. 5 :

12. The respondent has raised this plea in order to show that the workers who are going to be transferred from the Shanan Power House will be transferred only within the establishment of Chief Engineer (Hydel), so that hardship is not caused to them. Evidently, in view of my findings on issues No. 1 and 2, this issue has now lost its significance and as such, it is of no consequence. Accordingly, this issue is decided in favour of the respondent.

RELIEF

13. Keeping my findings on the aforesaid issues in view, I hold that the office order No. 6708 dated 7-2-1991 of the respondent-management is not legally justified and the demand charter dated 7-4-1991 of the petitioner-union is genuine and justified. Therefore, the respondent-management is directed to consider the matter regarding the strength of Shanan Power House, afresh in a fair and just manner and in no case the reduction of the

staff strength shall be more than 10%. Surplus staff would be transferred only within the establishment of Chief Engineer (Hydel). Further, the respondent management would also consider the payment of disturbance allowance to such surplus workers, for a period of three years, so that they are compensated for the hardship which would be caused to them as a result of dislocation. Accordingly, the reference is decided in favour of the petitioner and against the respondent and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2, for its publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the open Court today the 21st July, 1994.

Seal. B. S. CHAUHAN,
Presiding Officer,
Industrial Tribunal, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No. : 121/92.

Instituted on : 17-12-1992.

Decided on : 24-5-1994.

Shri Joginder Singh s/o Shri Telu Ram, Village
Shambhuwala, Tehsil Nahan, District Sirmaur.

.. Petitioner.

Versus

Executive Engineer, Himachal Pradesh Public
Works Department (B&R) Nahan, District Sirmaur.

.. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For petitioner : Shri A. K. Gupta, Advocate.

For respondent : Shri D. D. Gautam, .. Respondent.

AWARD

Through this reference, the State Government has referred the dispute to this Court for determination, in respect of the termination of the petitioner Shri Joginder Singh.

2. The case of the petitioner Shri Joginder Singh is that he had been working as Beldar on daily wages in PWD at Nahan since, 1978 and on 9-7-1990, he had been terminated by the respondent without notice and compensation. It is stated that the compensation was paid by the respondent on 21-2-1991 i.e. after about seven months of the termination, in question. Thus, it is stated that the termination, in question, is illegal and the same be set-aside and the petitioner be re-instated with back wages.

3. On the other hand, the respondent has admitted that the petitioner was terminated on 9-7-1990 and the retrenchment compensation was paid on 21-2-1991. However, it has been explained that the retrenchment compensation could not be paid at the time of retrenchment because the petitioner was not available.

4. On the aforesaid pleading of the parties, the following issues were framed :—

1. Whether the termination of the petitioner is illegal by not complying with the provisions of Section 25-F regarding the payment of compensation at the time of termination?

2. Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS :

Issue No. 1 : Yes.

Relief : Reference answered in favour of the petitioner.

REASONS FOR DECISION

Issue No. 1 :

The respondent has admitted that the petitioner was terminated on 9-7-1990 and at the time of termination, retrenchment compensation was not paid to the petitioner. However, the respondent has raised the plea that the petitioner was not available at the time of termination and as such, the retrenchment compensation could not be paid at the time of retrenchment and the same was paid in February, 1991. Keeping in view the said facts and circumstances of the case, my learned predecessor, had ordered on 22-6-1993 that the retrenchment in question, was *prima-facie* illegal and as such, the petitioner be restored to the same position which he was holding on the date of his termination. Accordingly, the respondent had re-employed the petitioner and since then the petitioner has been working as beldar on daily wages in PWD at Nahan.

7. The only question which now requires determination is as to whether the late payment of retrenchment compensation can be taken as sufficient compliance of Section 25-F of the Industrial Disputes Act, 1947. Section 25-F of the Industrial Disputes Act, 1947 provides that no workman who has completed one year continuous service can be retrenched unless he is served with a notice of one month or he is paid wages in lieu of such notice and is also paid retrenchment compensation according to the length of his service. The term "one year continuous service" has been defined in section 25-B of the said act, which provides that a workman who has actually worked for 240 days during twelve calendar months preceding the date of retrenchment, shall be deemed to have rendered one year continuous service. In the case in hand, the respondent has stated that the petitioner had not worked for 240 days in any of the years right from 1978 till July, 1989. However, the respondent has admitted that the petitioner had worked for more than 240 days during twelve calendar months preceding the date of retrenchment. Therefore, it can be held that the petitioner is entitled to the protection of Section 25-F *supra*. Evidently, in the case in hand, the respondent had not given one month's notice to the petitioner nor wages in lieu of notice were paid to the petitioner. There is no evidence on record to this effect because whatsoever evidence has been led by the respondent that shows that only retrenchment compensation was paid to the petitioner and that too after a period of seven months from the date of termination. Further, the plea of the respondent that compensation could not be paid at the time of termination because the petitioner was not available does not appear to be plausible and convincing because during the course of arguments and also in the written arguments, which have been submitted on behalf of the respondent, the respondent has taken the plea that the petitioner had deliberately evaded the payment of compensation. Anyhow, even if both these contradictory pleas are taken into consideration, even then, the respondent was required to expedite the payment of the said wages and compensation within a period of one month from the date of termination by sending the said amount to the petitioner at his permanent address by money order. Admittedly, this has not been done nor any evidence has been adduced to show as to why it took a period of seven months for the respondent to make payment of the said compensation. Therefore, I am of the view that neither the respondent has proved that it had paid one month's wages to the petitioner in lieu of notice nor the payment of the retrenchment compensation which was made by the respondent seven months after the date

of termination satisfies the requirement of Section 25-F *supra*. The law requires that retrenchment compensation must be paid at the time of termination or if it is not possible then as soon as it is possible. Apparently, the reasons which have been adduced by the respondent in support of the delay of the seven months does not appear to be genuine and justified for the reasons mentioned above. Thus, I hold that the termination, in question is illegal and unjustified because the respondent had not complied with the provisions of Section 25-F of the Industrial Disputes Act, 1947 at the time of the said termination.

8. The petitioner has also taken the plea during the course of arguments that one Shri Romesh who is junior to him has been retained. The evidence of the respondent would go to show that Shri Romesh was not junior to the petitioner because the petitioner had lost his seniority as he had not worked for 240 days in any of the calendar years during the period from 1979 to 1989. Therefore, this plea of the petitioner does not have any substance and the petitioner is not entitled to any relief on this score.

9. For the reasons stated above, I come to the conclusion that the termination, in question, is illegal and the petitioner is entitled to re-instatement with back wages. Accordingly, this issue is decided in favour of the petitioner and against the respondent.

RELIEF

10. Keeping my findings on the aforesaid issues in view, the termination of the petitioner is set-aside and the petitioner is re-instated with back wages which are fixed at Rs. 5,000. Accordingly, the reference is answered in favour of the petitioner. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the Open Court today the 24th May, 1994.

Seal. **B. S. CHAUHAN**
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh Shimla

Reference No 72/1989.

Instituted on 2-3-1994

Decided on 4-5-1994

Amresh Kumar Saini s/o Shri Partap Singh Saini,
r/o Near Petrol Pump, Nahan .. Petitioner.

Versus

1. The Managing Director,
Himachal Road Transport Corporation, Shimla.
2. The Regional Manager,
Himachal Road Transport Corporation, Nahan
Region Nahan .. Respondents.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri Satyan Vaidya, Advocate.
For respondent : Shri K. C. Chauhan, AR.

AWARD

Through this reference, the State Government has referred the dispute with respect to the termination of the services of the petitioner Shri Amresh Kumar, for adjudication by this Court.

2. The case of the petitioner is that he was employed on daily wages as Conductor by the respondent, Himachal Road Transport Corporation in the year, 1975 and thereafter, he had worked without any break till 24-4-1977, when his services were terminated without any notice or compensation. The petitioner has stated that prior to his termination, he had worked for more than 240 days and as such, his services could not have been terminated except in accordance with the provisions of Section 25-F of the Industrial Disputes Act, 1947. As such, the petitioner has stated that his termination is illegal and the same be set-aside and he be re-instated with back wages.

4. On the other hand, the respondent Himachal Road Transport Corporation has contested the claim aforesaid of the petitioner on the ground that the appointment of the petitioner was a contractual one because he was employed as casual worker on month to month basis and when his services were not required, he was terminated. Thus, it is stated that the termination of the petitioner does not amount to retrenchment and as such, the petitioner is not entitled to the benefit of Section 25-F of the Industrial Disputes Act, 1947. However, the respondent has not disputed that the petitioner was employed on daily wages and he had worked during the period from 23-1-1975 to 25-4-1977.

5. On the aforesaid pleadings of the parties, my learned predecessor had framed the following issues :—

1. Whether the petitioner has been terminated without justification and reasons ?

O.P. Party

2. Relief.

6. It would be relevant to mention here that earlier my learned predecessor had decided this case and had held that the petitioner was not entitled to any relief because there was inordinate delay on the part of the petitioner to raise the present dispute. Apart from this, my learned predecessor had also held that in view of the conduct of the petitioner, he had rightly been discharged from the service by the respondent, Himachal Road Transport Corporation. Subsequently, the petitioner had assailed the said award of my learned predecessor before the Hon'ble High Court and the Hon'ble High Court *vide* order dated 10-1-1994 has set aside the said award and has sent the reference back to this Court for fresh decision. The Hon'ble High Court has observed that since the question of limitation has not been referred for adjudication, the same was deemed to have been condoned and as such, it was not proper for this Court to have rejected the claim of the petitioner on the ground of limitation. It was also observed that the Court has not decided the question as to whether the termination was legal or not.

7. I have heard the learned advocate for the petitioner and Shri K. C. Chauhan, Regional Manager, Legal and Labour, who has appeared on behalf of the respondent, Himachal Road Transport Corporation and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

Issue No. 1 : Yes

Issue No. 2 : Reference answered in favour of the petitioner. Re-instatement of petitioner ordered with back wages.

REASONS FOR DECISION :

Issue No. 1 :

It is not disputed by Shri K.C. Chauhan, representative of the respondent that the petitioner had worked for 240 days within twelve calendar months prior to the date of his termination. However, he has argued that since the appointment of the petitioner was a contractual one, the termination of the petitioner does not amount to retrenchment. I have considered the said plea and have gone through the contents of the appointment letter. According to the appointment letter the appointment of the petitioner was on month to month basis w.e.f. 23-1-1975. Though, strictly speaking, such type of appointment cannot be held to be a contractual one because there had been no specific period of contract during which the petitioner was to work on daily wages, but, even if, it is taken that each month was the period of contract, even then the term of such contract would have expired on 30-4-1977 and not on 25-4-1977, when the services of the petitioner were terminated. Therefore, it is difficult to hold that the said appointment was a contractual one. This being so, the termination, in question, would amount to retrenchment and the case of the petitioner would squarely fall within the ambit of Section 25-F of the Industrial Disputes Act, 1947. As already stated above, it is not disputed by the respondent that the petitioner had worked for more than 240 days during the period of twelve calendar months prior to the date of his termination. For obtaining relief under Section 25-F of the Industrial Disputes Act, 1947 a workman, who has been retrenched, has to fulfil two conditions. The first is that, he should have been in continuous service for not less than one year prior to the date of retrenchment and secondly, he should have been retrenched without any notice or wages and compensation. Section 25-B defines one year continuous service. It provides that a workman shall be deemed to have been continuous service of one year if he has actually worked for 240 days within twelve calendar months prior to the date of his termination. In the case in hand, the petitioner has proved that he had been in continuous service for not less than one year prior to the date of his termination. Similarly, no notice had been served upon the petitioner nor any wages for the period of the notice were paid to him nor retrenchment compensation was paid. Shri K. C. Chauhan, representative of the respondent has argued that a notice was served upon the petitioner on 24-7-1977 thereby making it clear that his services would no longer be required with effect from the date his due rests were exhausted. I have considered the said contention and am of the view that such type of notice cannot satisfy the requirement of Section 25-F of the Industrial Disputes Act, 1947. because under Section 25-F of the Industrial Disputes Act, 1947 one month's notice is required to be served. Thus, this notice is of no avail to the respondent. As such, it can safely be concluded that the petitioner has proved both the conditions aforesaid. It is a settled proposition of law that the provisions of Section 25-F supra are mandatory and violation thereof would render the termination illegal. Therefore, I hold that the termination, in question, is illegal and unjustified because the respondent had not complied with the provisions of Section 25-F of the industrial Disputes Act, 1947, before the services of the petitioner were terminated.

9. For the reasons stated above, I come to the conclusion that the petitioner has proved this issue. Accordingly, this issue is decided in favour of the petitioner and against the respondent.

RELIEF

10. Keeping my findings on the aforesaid issue in view, I hold that the termination of the petitioner is illegal and unjustified and as such, the same is set aside and the petitioner is ordered to be reinstated to the same position which he was holding on 25-4-1977. As regards the back wages, keeping in view the inordinate delay in raising the dispute by the petitioner, the same are assessed

at Rs. 5,000. As such, the reference is answered accordingly. A copy of this award be sent to the Government of Himachal Pradesh Shimla-2, for its due publication in the H. P. Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost if applied for. The file after its due completion be consigned to the record room.

Announced in the Open Court today the 4th May, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B. S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No : 75/93

Instituted on : 16-7-1993.

Decided on : 26-4-1994.

General Secretary, Lal Jhanda Mazdoor Union,
Shimla. 3/9-Bawa Building.

Versus

M/s Ahuja Plastic Ltd, The Devicos, The Mall,
Shimla-1.

Reference under Section 10 of the I.D. Act, 1947.

Shri Hem Raj, AR for petitioners.

Shri R.L. Kaith, AR for the respondent with Shri Sanjay Sood, Director.

AWARD

As per statements of the representatives of the parties and Shri Sanjay Sood, Director of the respondent places on record, the parties have arrived at amicable settlement, according to which the management has agreed to take back all the ten workers w.e.f. 1-5-1994. Apart from this, the management has also agreed to pay one month's wages to each worker. The workers have given up their claim in respect of the remaining back wages. However, the period, in question, will be counted for towards continuity of service of each worker. Now, each worker will be required to report for duty after 30-4-1994, on or before 7-5-1994, failing which he will not be entitled to the benefit of this settlement and for re-employment, in question. After the said workers join their duties, they will be entitled to one month's wages, which will be paid to each worker within 7 days from the date of his joining, failing which, he will be entitled to interest @ 15% from the date of his joining. Therefore, the present dispute comes to an end as a result of the said settlement. As such, the reference stands disposed of accordingly on the basis of the said settlement. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2, for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to the parties, if applied for, free of costs. The file after its completion be consigned to the record room.

Announced in the Open Court, today the 26th April 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Ref-1-90.

Peter(s) India Employees Union, Bilaspur and
others. .. Petitioner

Versus

M/s Peter(s) India Ltd, Bilaspur. .. Respondent.

Shri Dhani Ram, AR, for petitioners.
Shri V.K. Gupta, AR for respondent.

AWARD

As per statements of the representatives of the parties placed on record, the parties have arrived at amicable settlement with respect to the element of additional dearness allowance regarding which the present case was remanded back by the Hon'ble High Court for determining the rate and basis of the additional dearness allowance. According to the settlement, the management has agreed to pay additional dearness allowance to all the 57 workmen, in question, for the period from December, 1989 to September, 90 at the rate of Rs. 1.50 paise per point taking the base of 171 points as in November, 1989 in the series of 1982 equal to 100 points, which will be calculated on the basic pay of the individual workman @ $1\frac{1}{2}\%$ multiplied by the figure of increase in price index in the relevant month. The price index in November, 1989 was 171 points, while in December, 1989 it was 168 points and in January, 1990 and February, 1990. it was 169 points and as such, the workmen will not be entitled to any additional dearness allowance during the period from December, 1989 to February, 1990. For March, 1990, the workmen will be entitled to increase of 1 point and in April, 1990, for increase of 4 points and in May, 1990, they will be entitled to increase of 6 points. Similarly, the workmen will be entitled to increase of 8 points in June, 1990 and for increase of 15 points in July, 1990 and August, 1990, while, they will be entitled to increase of 19 points, in September, 1990. In order to make the things clear, a model of calculation is given as under :—

Model.—For example, if the basic pay of a workman was Rs. 500 in April, 1990 when there was increase of 4 points in the price index, the workmen would be entitled to the following additional dearness allowance in April, 1990 : $\text{Rs. } 500 \times 1\frac{1}{2}\% = 30$.

2. In the light of the model aforesaid, the additional dearness allowance of all the 57 workmen will be calculated and paid on the basis of their respective basic pay for the period from March, 1990 to September, 1990. It would be the duty of the management to calculate the additional dearness allowance in respect of all the 57 workmen within 30 days from today and the payment thereof would be disbursed in cash to the workmen within 45 days from today or the same will be sent by money order to the workmen, if they do not come to collect the said payment within 45 days from today and the money order fee will be deducted from the amount of additional dearness allowance of the respective workers. In case the management fails to disburse the payment through any of these modes within 50 days from today, then the management shall be liable to pay interest @ 18% P.A. from today itself. Accordingly, the present dispute comes to an end as a result of the settlement aforesaid. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the open Court today the 16th June, 1994.

Seal. B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No : 44 of 1992.

Instituted on : 27-7-1992.

Decided on : 15-6-1994.

Shri Khajan Chand S/o Shri Thakur Dass, Village
Mantiba, P.O. Charoi, Tehsil Hamirpur, Himachal
Pradesh. .. Petitioner.

Versus

Deputy General Manager, Himachal Road
Transport Corporation, Nahan. .. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For petitioner : Shri A.K. Gupta, Advocate.

For respondent : Shri Balwant Kukreja, Advocate.

AWARD

Through this reference No. 1918-Shram, dated 17-7-1992, the State Government has referred, to this Court for determination, the dispute concerning the wages and all service benefits.

3. On the other hand, the respondent Himachal Road Transport Corporation has contested the claim aforesaid of the petitioner on the ground that the petitioner had taken liquor while on duty and had caused accident as a result of which one buffalo had died and a lady had been injured. It is stated that the inquiry regarding the charges which were levelled against the petitioner was held in a fair and proper manner and the petitioner had been given adequate opportunity to defend himself and as such, he had been held rightly guilty of the charges, in question. Similarly, it is stated that the penalty of compulsory retirement is fully justified on the basis of the facts and circumstances of the case. Thus, the respondent has stated that there is no justification for setting aside the order of compulsory retirement and the petitioner is not entitled to any relief.

4. On the pleadings of the parties, my learned predecessor had framed the following issues :—

- Whether the compulsory retirement of the petitioner by the respondent-management w.e.f. 6-1-1992 is legal and justified? If illegal, to what relief and amount of compensation Shri Khazan Chand is entitled to?

OPP.

- Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

- Issue No. 1. Yes, the Compulsory retirement of the petitioner is legal and justified.
- Relief : Reference is answered against the petitioner.

REASONS FOR DECISION

- Issue No. 1:

The scrutiny of the record of the case including the evidence on record would go to show that on 13-10-1986 when the petitioner Shri Khazan Chand was driving Bus

No. HPN-965 from Chandigarh to Dehradun, the bus had met with an accident at Bhuppur near Paonta Sahib as a result of which one buffalo and a lady had injured and the buffalo had died. After the accident, a criminal case was made against the petitioner and he had been medically examined by the Government Doctor at Paonta-Sahib. The accident had taken place at about 10.00 A.M., while, the petitioner Shri Khazan Chand was medically examined at about 1.30 P.M. on the same day. On examination, the doctor concerned had found that the petitioner Shri Khazan Chand had consumed alcohol. The said doctor had taken sample of the blood of Shri Khazan Chand, which had been sent for examination to the government laboratory and subsequently, when the report of examination was received, it was found that there was alcohol present in the blood of the petitioner Shri Khazan Chand. Thus, the doctor had opened that Shri Khazan Chand was under the influence of liquor. The criminal case had ended in acquittal for want of evidence. However, the Enquiry Officer had held the petitioner Shri Khazan Chand guilty of the charges, in question, and the disciplinary authority had thereafter imposed the penalty of compulsory retirement. Out of the two charges regarding which enquiry was held against Shri Khazan Chand, the first charge was that Shri Khazan Chand had taken liquor while on duty as a result of which he had caused accident. The second charge was that Shri Khazan Chand was negligent in performance of duty and had thus, violated rule 22(b) (bb) of CCS conduct rules, 1964 and Section 117 (A) (B) of Motor Vehicle Act. I have considered the evidence concerning these charges, which was led before the Inquiry Officer and also the evidence which has been led in the Court and am of the view that the evidence to the effect that the petitioner Shri Khazan Chand had caused the accident, in question, does not appear to be sufficient because the injured lady was not examined by the Enquiry Officer. Therefore, in the absence of any eye-witness account, it is difficult to hold that the accident, in question, was caused due to the negligence of the petitioner Shri Khazan Chand. However, it is quite clear from the statement of doctor G. Narang of Civil Hospital, Paonta-Sahib coupled with the report of the Chemical Examiner that the petitioner Shri Khazan Chand was not only drunk at the time of accident, but, he was also under the influence of liquor. The testimony of Dr. G. Narang, has not been shaken despite effective cross-examination. Thus, it is fully proved that the petitioner Shri Khazan Chand had consumed alcohol and he was under the influence of liquor at the time of accident, in question. Rule 22(b) of CCS Conduct rules, 1964 provides that a government servant shall not be under the influence of any intoxicating drink during the course of his duty. Further, rule (bb) of rule 22 provides that a government servant shall refrain from consuming any intoxicating drink in a public place. The explanation appended to rule 22 *ibid* provides that a "public place" means any place or premises including a conveyance to which the public have access whether on payment or otherwise. Evidently, in the case in hand, Shri Khazan Chand was under the influence of liquor during the Course of his duty and as such, it amounts to violation of rule 22 (b)(bb) of CCS Conduct Rules, 1964. Further, Section 117(A) of the Motor Vehicle Act, which is now Section 185 (A) under the new Motor Vehicle Act, 1988, provides that whoever while driving a motor vehicle has in his blood alcohol in any quantity, howsoever small the quantity may be, shall be punishable for the first offence with imprisonment with a term which may extend to six months or with fine which may extend to Rs. 1,000 or both. It would be evident from the aforesaid facts and circumstances of the case that while driving the bus, in question, Shri Khazan Chand had consumed alcohol and the same was found present in his blood, as a result of which doctor G. Narang had found that Shri Khazan Chand was under the influence of liquor. Therefore, it is fully proved from the evidence on record that Shri Khazan Chand had violated the provisions of Section 117(A) of the Motor Vehicle Act and rule 22(b)(bb) of the CCS Conduct Rules, 1964.

7. The upshot of the aforesaid discussion is that though it is not established that the accident had taken place due to the rash and negligent driving of Shri Khazan Chand, but, it is fully made out from the evidence on record that Shri Khazan Chand driver was involved in the accident. Further, it is also clearly established that Shri Khazan Chand had not only consumed liquor while on duty, but, he was also under the influence thereof and as such, he had violated the provisions of rule 22(b) (bb) of CCS Conduct Rules, 1964 and Section 117(A) of the Motor Vehicle Act. Therefore, to this extent, I am fully in agreement with the findings arrived at by the Enquiry Officer. Thus, I find no fault in the findings of the Enquiry Officer. As such, Shri Khazan Chand had rightly been held guilty of the Charges, in question, to the extent mentioned above.

8. During the course of arguments, the learned advocate for the petitioner Shri Khazan Chand, had laid stress on the fact that since the injured lady had not been examined, the charges, in question, are not proved. According to him, for want of examination of the injured lady, prejudice has been caused to the petitioner. I have considered the said argument and am of the view that the same is devoid of logic. In fact, if the injured has not been examined, it is the prosecution, which would suffer for want of the statement of the injured and the question of prejudice to the petitioner Shri Khazan Chand does not arise. In case Shri Khazan Chand wanted to take benefit of the statement of the injured lady, he was at liberty to have examined the said injured lady in his defence. Therefore, this argument does not have any force. Further, the learned advocate for the petitioner Shri Khazan Chand has not argued that proper opportunity was not afforded to the petitioner during the course of inquiry nor he has stated that the inquiry was not conducted in a fair manner. However, learned advocate for the petitioner has argued that the punishment of compulsory retirement is not justified and as such, the same be reduced to stoppage of increments. I have considered the said argument and have gone through the relevant record. The record of the case would go to show that during the period from 1968 to 1987, Shri Khazan Chand was charge-sheeted 24 times and more than a dozen of warnings were issued to him. Apart from this, increments of Shri Khazan Chand were also stopped many times. Thus, it is not the solitary lapse which has been proved against the petitioner Shri Khazan Chand. Therefore, keeping in view the said past record of Shri Khazan Chand, I am not in a position to persuade myself to hold that there is justification for reduction of the penalty of compulsory retirement. Thus, I am of the view that the penalty of the compulsory retirement which has been imposed by the disciplinary authority on Shri Khazan Chand is fully justified and there is no scope for reduction thereof.

9. For the reasons stated above, I come to the conclusion that the compulsory retirement of the petitioner is legal and justified and the petitioner is not entitled to any relief. Accordingly, I hold that the respondent has proved this issue. As such, this issue is decided in favour of the respondent and against the petitioner.

RELIEF

10. Keeping my findings on the aforesaid issue in view, I hold that the compulsory retirement of the petitioner is legal and justified and the petitioner is not entitled to any relief. Accordingly, the reference is decided against the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the Open Court today the 15th June, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,

Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No : 15 of 1994.

Instituted on : 21-2-1994.

Decided on : 26-8-1994.

Shri Mohamed Farukh Khan, House No: 520/
16, Lalari Ahata, Gandhi Chowk, Kalka.

.. Petitioner

Versus

Shri R.K. Gupta, Owner, M/s Himachal Cotton
Products, Plot No : 58, Sector-5, Parwanoo, Distt.
Solna.

.. Respondent.

Reference under section 10 of the Industrial Disputes
Act, 1947.

For petitioner : Shri A.K. Sharma, AR.

For respondent : Ex-parte.

AWARD

Through this reference, the State Government has referred the dispute regarding the termination of the petitioner for adjudication by this Court.

2. The case of the petitioner is that he was employed by the respondent as Turner on 23-5-1992 on monthly wages of Rs. 800 per month. Thereafter, he worked continuously till 14-8-1993, on which date he was terminated by the respondent without any notice and compensation. Thus, the petitioner has stated that his termination is illegal and the same be set-aside and he be re-instated with back wages.

3. On the other hand, the respondent is *ex-parte* because despite service, the respondent failed to appear on 23-5-1994, as such, the respondent was proceeded against *ex-parte*.

4. In support of his claim, the petitioner has examined himself and has stated that he was employed as Turner on 23-5-1992 and he worked continuously till 14-8-1993, on which date he was terminated without notice and compensation. He has further stated that he had raised the dispute before the Labour Inspector concerned, but, the respondent did not turn up and ultimately, the present dispute was referred to this Court.

5. I have heard the AR. of the petitioner and have scrutinized the statement aforesaid of the petitioner. The petitioner has stated that he had worked for more than 240 days during the period, in question. In order to determine the question as to whether the termination of the petitioner is actually illegal and unjustified, the present case has to be examined in the light of provisions of Section 25-F of the Industrial Disputes Act, 1947. According to the said section of law, no worker who has been in service for a period of more than one year, can be terminated unless the provisions of said section are complied with. It is provided in the said section that a worker who has been in service for a period more than one year shall not be terminated unless he is served with a notice of thirty days or is paid wages for one month in lieu of notice. Apart from this, such worker is entitled to compensation according to the number of years he has served. The said provisions of law are mandatory and violation thereof would render the termination illegal. Apparently, the said provisions of Section 25-F of the Industrial Disputes Act, 1947 have not been complied with in the present case. Therefore, it can be held that the termination, in question, is illegal and unjustified. As such, the petitioner has proved his case. Accordingly, I hold that the petitioner is entitled to re-instatement. Therefore, the petitioner is ordered to be re-instated

with back wages. Accordingly, the reference is answered in favour of the petitioner and the same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the Open Court today the 26th August, 1994.

Seal.

B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla

Reference No : 85 of 1992.

Instituted on : 5-12-1992.

Decided on : 2-8-1994.

Shri Nek Ram S/o Shri Nakhru Ram, C/o Shri
J.C. Bhardwaj, President, Himachal Pradesh Industrial
Workers Union, Saproon, District Solan.

.. Petitioner.

Versus

Superintending Engineer, 4th Circle, HP, PWD,
Shimla-171001.

.. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For petitioner : Shri J.C. Bhardwaj, AR

For respondent : Sh. Ashok Minhas, AR

AWARD

The State Government has referred the dispute regarding the regularisation of the services of the petitioner Shri Nek Ram, for adjudication by this Court.

2. The case of the petitioner is that he was employed as beldar on daily wages by the respondent in 1970 and till 1992, he had not been regularised though he had put in 22 years of service. Thus, it is stated that the petitioner is entitled to regular appointment as work-charged labourer.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that earlier the petitioner had not completed 10 years continuous service and as such, he could not be made regular. However it is stated that the name of the petitioner is now at Serial No 1, in the seniority list of daily wages beldars and as such, he would now be made regular as and when sanction to fill up the work-charged post is received.

4. On the aforesaid pleadings of the parties, following issues were framed :—

1. Whether the petitioner Shri Nek Ram is entitled to regular appointment as work-charged beldar, if so, since when ? OPP.
2. Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

Issue No. 1 : Yes.

Relief : Reference answered in favour of the petitioner.

REASONS FOR DECISION

Issue No. 1 :

6. It is admitted case of the respondent that the petitioner Shri Nek Ram is now at serial No. 1 in the seniority list of daily wages beldars. However, during the course of arguments, the representative of the respondent has stated that in the revised seniority list, the name of the petitioner is at serial No. 6 because the other five workers who are stated to be senior to Shri Nek Ram had completed 10 years continuous service in 1986. The record of the case would go to show that the petitioner Shri Nek Ram had completed 10 years continuous service in 1989. The representative of the respondent has stated that at present there are about 10 posts of work-charged beldars which are lying vacant in Fourth Circle, Shimla. These posts are stated to be lying vacant since, 1990. However, no post is stated to be lying vacant since, 1989. Thus even if it is taken that Shri Nek Ram is at serial No. 6 in the revised seniority list of daily wages beldars, even then, he is entitled to regularisation *w.e.f.* 1-1-1990 alongwith his five other seniors. It appears that the respondent has not taken the matter seriously, otherwise, these posts could have been filled in quite intime. The representative of the respondent has stated that for want of sanction, these posts could not be filled in. There is no denying the fact that the petitioner has a right after completion of 10 years continuous service to work-charged status. Of course, this right is subject to availability of posts. In the instant case, despite the fact that the posts were available in 1990, the petitioner has been deprived of his status only for want of sanction. Therefore, it is quite clear that the petitioner is entitled to work-charged status *w.e.f.* 1-1-1990. Similarly, the petitioner is also entitled to the scale of work-charged beldar *w.e.f.* 1-1-1990 and also to all other benefits, which are available to the work-charged beldars. As such, the petitioner has proved this issue. Accordingly, this issue is decided in favour of the petitioner.

RELIEF

7. Keeping my findings on the aforesaid issue in view, I hold that the petitioner is entitled to the status of work-charged beldar *w.e.f.* 1-1-1990 and also to the scale of pay and other benefits, to which a work-charged beldar is entitled to. Accordingly, the reference is decided in favour of the petitioner and the same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh for publication and a copy of this award be supplied to the parties, free of cost, if applied for. The file after completion be consigned to the record room.

Announced in the Open Court today the 2nd August, 1994.

Seal. **B. S. CHAUHAN,**
Presiding Officer.
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

Reference : 80 of 1992.

Instituted on : 8-12-1992.

Decided on : 1-8-1994.

Shri Jai Parkash, Harbahajan, Cottage, Lower
Kaithu, Shimla-171 003. . . Petitioner.

Versus

Executive Engineer, Irrigation and Public Health
Division No. 1, Kasumpti, Shimla-9. . . Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri Hem Raj, AR.

For respondent : Sh. D.R. Walia, AR.

AWARD

Through this reference, the State Government has referred the dispute concerning the termination of the petitioner Shri Jai Parkash.

2. The case of the petitioner is that he was employed as typist by the respondent on daily wages on 26-6-1989 and since then he had worked continuously till 2-6-1991, on which date he is alleged to have been terminated without any notice, wages and compensation. Thus, the petitioner has alleged that the termination is illegal and he be re-instated with back wages.

3. On the other hand, the respondent has contested the claim aforesaid of the petitioner on the ground that he was employed only as beldar on daily wages and of and on, the petitioner used to be engaged for typing work in order to assist the typist in the office. Thus, it is stated that basically the petitioner was beldar and he was not engaged as typist and subsequently, on 2-6-1991 the petitioner had abandoned the job himself and he was not terminated. Thus, the respondent has stated that the petitioner is not entitled to any relief.

4. On the aforesaid pleadings of the parties, my learned predecessor had framed the following issues :—

1. Whether the demand of the petitioner regarding the re-instatement as typist is justified ? OPP.
2. Whether the petitioner was engaged as typist by the respondent ? OPP.
3. Whether the petitioner had abandoned the job himself, as alleged ? OPR.
4. Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

- Issue No. 1:** No. only as Beldar.
- Issue No. 2:** Yes. But his status was that of Beldar.
- Issue No. 3:** No.
- Relief** : Reference answered in favour of the petitioner.

REASONS FOR DECISION

Issues Nos. 1, 2 & 3 :

6. Since all these issues are inter-linked, the same have been taken up together for discussion, and decision. There is no denying the fact that initially the petitioner was employed as beldar on daily wages. However, the petitioner has placed on record a plethora of documents which would clearly go to show that the petitioner had been working as typist during the period, in question. The respondent has also not denied the fact that the petitioner has worked as typist. However, the respondent has contested the claim of the petitioner on the ground that it was only on rare occasions that the petitioner was engaged for typing work, otherwise, he had been working as beldar in the field. I have considered the said plea of the respondent and am of the view that the same does not appear to be genuine and justified because from the oral as well as documentary evidence on record,

it is clearly made out that the petitioner had been working as typist continuously during the period in question. Further, it is a fact that the petitioner was paid only the wages of beldar. As such, the petitioner is entitled to daily wages of typist for the period, in question. As regards the plea of abandonment, which has been taken by the respondent, there is no evidence on record, to show that the petitioner had abandoned the job. However, it is clear from the conduct of the petitioner that he had not abandoned the job because he had approached the Labour Commissioner, Himachal Pradesh on 28-6-1991 i.e. after about 26 days of his alleged termination. Had the petitioner abandoned the job himself, there was hardly any occasion for him to approach the Labour Commissioner. Thus, this conduct of the petitioner shows that he had not abandoned the job, but, he was terminated from the service. Admittedly, the petitioner had worked for more than 240 days during 12 calendar months preceding the date of his termination and as such, he was entitled to the protection of section 25-F of the Industrial Disputes Act, 1947. The provisions of Section 25-F of the Industrial Disputes Act, 1947 are mandatory and non-compliance thereof renders the termination illegal. The respondent has not complied with the said provisions of Section 25-F of the Industrial Disputes Act, 1947 and as such, it can straight away be held that the termination, in question, is illegal and the petitioner is entitled to re-instatement. Accordingly, I come to the conclusion that the petitioner was employed as beldar and not as a typist, but, he had actually worked as typist during the period, in question and as such, he is entitled to the difference in wages. Similarly, I come to the conclusion that the petitioner had not abandoned the job, but, he was terminated without notice, wages and compensation and as such, his termination is illegal and he is entitled to re-instatement with back wages. As such, I hold that the petitioner has proved Issues No. 1 and 2 to the extent mentioned above, while the respondent has failed to prove issue No. 3. Accordingly, Issues No. 1 & 2 are decided in favour of the petitioner, while, issue No. 3 is decided against the respondent.

RELIEF

6. Keeping my findings on the aforesaid issues in view I hold that the termination of the petitioner is illegal and unjustified and as such, the same is set-aside and he is ordered to be re-instated as beldar with back wages which are assessed at Rs. 5,000. Further, the petitioner is entitled to difference of wages for the period from 26-6-1989 to 2-6-1991. As such, the reference is answered in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to the parties, free of costs, if applied for. The file after completion be consigned to the record room.

Announced in the Open Court today the 1st August, 1994.

Seal. B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

In the Court of Shri B.S. Chauhan, Presiding Officer,
Industrial Tribunal, Himachal Pradesh Shimla

Reference No. 12 of 1992.

Instituted on : 25-5-1992.

Decided on : 5-8-1994.

General Secretary, Himachal Pradesh Aushad
Nirman Karamchari Sangh, Jogindernagar, District
Mandi, Himachal Pradesh .. Petitioner.

Versus

1. The Manager,
Ayurvedic Pharmacy, Jogindernagar.

2. The Director Ayurveda,
Himachal Pradesh, Shimla .. Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioners : Shri J.C. Bhardwaj, AR.

For respondents : Shri Tara Chand Sharma, AR.

AWARD

Through this reference, the State Government has referred the dispute regarding the demands of the Class-IV employees of Government Ayurvedic Pharmacy, Jogindernagar, for determination by this Court.

2. The case of the Class-IV, employees of Government Ayurvedic Pharmacy, Jogindernagar is that they have been operating different types of machines which have been installed in Government Ayurvedic Pharmacy, Jogindernagar for manufacturing ayurvedic medicines and while doing so, they are required to display a particular type of skill in order to operate the said machines. Thus, the Class-IV employees of the said Pharmacy have raised demand for grant of Special allowance to the tune of 25% of their basic pay. In fact, the said employees had raised as many as 9 demands vide their demand charter dated 22-10-1991, but, it appears that, in due course of time, almost all the demands have been met with except the two out of which one is for grant of special allowance, while the other is that of house rent allowance. In respect of house rent allowance, it is stated that the Class-IV employees who are posted in Ayurvedic and Allopathic hospitals and dispensaries at Jogindernagar, are being paid house rent allowance @ 10% of their basic pay, while Class-IV employees of the Ayurvedic Pharmacy, Jogindernagar are being paid house rent only @ 5% of their basic pay. Thus, these Class-IV employees have stated that they be granted special allowance @ 25% and instead of 5%, they should be paid house rent @ 10% of their basic pay.

3. On the other hand, the respondents have contested the claim aforesaid of the workers on the ground that they are not trained workers and they have been working under the technical supervision of a machanic. Thus, it is stated that these Class-IV employees are non-technical and their main work is to up keep the pharmacy. As regards, house rent allowance @ 10%, it is stated that the same has been granted only to those employees of hospitals and dispensaries, who have been attending to emergency duties. Thus, it is stated that the Class-IV employees of the Pharmacy are not entitled to 10% house rent allowance because they do not have any emergency duty.

4. On the aforesaid pleadings of the parties, my learned predecessor had framed the following issues:—

1. Whether the demands of the workers raised by them in their demand charter dated 22-10-1991, are legal and justified ? OPP.
2. Relief.

5. I have heard the representatives of the parties and have gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :—

FINDINGS

Issue No. 1 : Yes, only in respect of Special allowance @ 10% subject to maximum of Rs. 100/ per month.

Relief : Reference answered accordingly.

REASONS FOR DECISION

Issue No. 1 :

The record of the case would go to show that there are as many as 39 machines of different types in

विद्युत विभाग

अधिसूचना

शिमला-2, 28 मार्च, 1995

the Ayurvedic Pharmacy at Jodindernagar and there are 26 Class-IV employees, who have been operating these machines under the technical supervision of a machine. There is no denying the fact that it involves technical skill to operate these machines and as such, whenever a Class-IV employee operates any of these machines, he is required to possess technical knowledge concerning the working of that particular machine. Normally, the work of Class-IV employee does not involve such type of skill. Therefore, there is certainly justification for grant of some allowance to these Class-IV employees, who have been operating different machines in Government Ayurvedic Pharmacy, Jogindernagar. It is admitted case of the respondent that all these 26 Class-IV employees have been operating these 39 machines. However, the respondent has tried to defeat the claim of these employees on the ground that they are not technical hands and moreover, they have been working under the technical supervision of a mechanic. I have considered the said plea and am of the view that the same does not have any substance because these employees who have been operating these machines for the last so many years, have now acquired sufficient knowledge regarding the mechanism of these machines and as such, merely because they do not possess any diploma concerning the technical knowledge of these machines, it would not be proper to defeat the claim of these employees on this ground. The refore, I am of the view that there is justification for grant of special allowance to these Class-IV employees, who have been operating these machines. However, the demand of 25% is quite excessive. Keeping in view the nature and extent of the duties, 10% special allowance per month subject to maximum of Rs. 100/ per month, would be quite justified. Thus, I hold that all the 26 Class-IV employees who have been actually operating these different types of machines at Government Ayurvedic Pharmacy at Jogindernagar are entitled to 10% special allowance subject to maximum of Rs. 100/ per month w.e.f. 22-10-1991, i.e. the date of their demands. However, it is made clear that this allowance would be admissible only to those Class-IV employees, who would actually operate these machines. As regards the demand for grant of 10% House rent allowance, there is no justification for the same because the functions of the employees who have been working in hospitals and dispensaries in relation to emergency duties, are different from the functions of Class-IV employees of the pharmacy because in pharmacy, there is no emergency duty. Thus, on the basis of this distinguishing factor, there appears to be no justification for 10% house rent allowance. As such, this demand of the Class-IV employees is not genuine and justified. Accordingly, I come to the conclusion that the workers have proved this issue to the extent mentioned above. Therefore, this issue is decided in favour of the petitioner to the extent mentioned above.

RELIEF

7. Keeping my findings on the aforesaid issue in view, I hold that all the Class-IV employees of Government Ayurvedic Pharmacy, Jogindernagar, who have been operating machines at the said pharmacy, are entitled to special allowance @ 10%, subject to maximum of Rs. 100/ per month w.e.f. 22-10-1991. However, these employees are not entitled to enhanced rate of House rent allowance. Accordingly, the reference is answered in favour of the petitioner and same stands disposed of. A copy of this award be sent to the Government of Himachal Pradesh, Shimla-2 for its due publication in the Himachal Pradesh Rajpatra in accordance with law. A copy of this award be supplied to each of the parties, free of cost, if applied for. The file after its completion be consigned to the record room.

Announced in the Open Court today the 5th August, 1994.

Seal. B. S. CHAUHAN,
Presiding Officer,
Labour Court, Himachal Pradesh, Shimla.

संख्या विद्युत-छ (5) 5/94.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विजली बोर्ड जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पढ़ा अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अधीन सरकारी के स्वामित्व और नियन्त्रण के अधीन एक कम्पनी है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः 132 के0 वी0 मिनट सर्कट संचार लाईन सोलन से कुनिहार के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है अतएव एतद्वारा यह घोषित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् यिमल बैंक शिमला-3 को उक्त भूमि अर्जन के लिए आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. इसके अतिरिक्त उक्त अधिनियम की धारा 17 की उप-धारा 17(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल यह निर्देश देते हैं कि अत्यावश्यक मामला होने के कारण भूमि अर्जन समाहर्ता हिमाचल प्रदेश राज्य विद्युत परिषद् यिमल बैंक भवन शिमला-3 उक्त अधिनियम की धारा 9 की उप-धारा (1) के अधीन नोटिस के प्रकाशन से 15 दिन की अवधि समाप्त होने पर पंचाट देने से पूर्व भूमि का कब्जा ले सकता है।

4. भूमि का रेखांक भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् यिमल बैंक भवन शिमला के कार्यालय में निरीक्षण किया जा सकता है।

विवरणी

जिला : सोलन

तहसील : सोलन

गांव	खसरा नं०	रकबा	
		विघा	बिस्वा
बमालपति खतेड	1248/708/1	0	3
भानत	189/96/1	0	4
	64/1	0	2
	61/1	0	1
लोहारो	42/1	0	3
चौरा	63/1	0	4
कुल	6	0	17

आदेशानुसार,

हस्ताक्षरित/-

वित्तायुक्त एवं सचिव।

लोह निर्माण विभाग

अधिसूचनाएं

यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः* भूमि अर्जित करनी अपेक्षित है, अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त* प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सह्य प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, लोक निर्माण विभाग, हमीरपुर के समक्ष अपनी आपत्ति दायर कर सकता है।

*गांव रोपा, तहसील व जिला हमीरपुर में धनेटा-हमीरपुर वाया कांगू-गलोड सड़क के निर्माण हेतु।

संख्या लो० नि० (ख) 7(1) 66/94.

शिमला-2, 30 मार्च, 1995.

विवरण

जिला : हमीरपुर

तहसील : हमीरपुर

गांव	खसरा नं०	क्षेत्र	कनाल मरला
1	2	3	4
रोपा	2/1	1	7
	3/1	0	4
	5/1	0	3
	6/1	0	6
	7/1	0	8
	9/1	0	5
	10/1	0	2
	11/2	0	7
	13/1	0	4
	14/2	0	5
	15/1	0	2
	16/2	0	18
	375/1	1	0
	376/2	1	13
	376/3	1	1
	377/1	2	0
	378/1	0	2
	400/1	0	1
	401/2	0	12
	428/1	0	3
	431/2	1	0
	439	0	8
	440/2	0	4
	1378/438/2	0	12
	446	0	4
	573/2	0	8
	574/1	0	7
	575	1	9
	582	1	7
	583	0	8
	584/2	0	10
	489	0	7
	578/1	0	3
	600/2	0	19
	602/1	0	6
	606	0	4
	607	0	7
	623/1	0	15
	629	0	9

कित्ता :-

67 35 13

*गांव ब्राह्मड़ी, तहसील व जिला हमीरपुर में धनेटा-हमीरपुर वाया कांगू-गलोड सड़क के निर्माण हेतु।

संख्या लो० नि० (ख) 7 (1) 68/94.

शिमला-2, 30 मार्च, 1995.

गांव	खसरा नं०	क्षेत्र (हेक्टेयर में)
1	2	3
ब्राह्मड़ी	1/1	0 7
	2	0 3
	3/1	0 2
	5/1	0 2
	10	0 7
	12/1	0 3
	13/1	0 2
	23	0 19
	24/1	0 7
	26/1	0 6
	27/1	0 3
	28/1	0 6
	30	0 12
	31	0 4
	38/1	0 6
	46/1	0 1
	48/1	0 8
	51/1	0 10
	97	0 4
	99/1	0 18
	105/1	0 3
	106/1	0 3
	830/701/1	0 8
	830/701/2	6 14
	702/1	0 10
	807/2	5 6
	832/813/2	3 19

1	2	3	4	1	2	3	4
	814/1	2	2		913	0	12
	818/1	2	15		919	0	10
	819	2	18		923	0	13
	820/1	1	5		950	0	9
					954	0	14
किता ..	31	32	3		955	0	15
					959	0	13

*गांव बगारटी, तहसील व जिला हमीरपुर में फनेटा-हमीरपुर बाया कांगू-गलोड़ सड़क के निर्माण हेतु ।

संख्या लो० नि० (ब) 7(1) 59/94.

जिमला-2, 30 मार्च, 1995.

गांव 1	खसरा नम्बर 2	क्षेत्र कनाल मरले 3 4
बगारटी	85/1	0 7
	86/1	0 8
	88/1	0 3
	89/1	0 11
	90/1	0 2
	660	0 2
	706	0 10
	708	0 6
	709	1 2
	714	0 13
	715	0 11
	716/1	0 2
	718	0 11
	719	0 3
	720	0 2
	721	1 18
	722	0 10
	734	कम अज मरला
	735	0 14
	741	0 7
	742	0 15
	767	0 15
	768	0 10
	769	2 11
	770	0 5
	707/1	0 2
	707/2	0 4
	1062/773	0 12
	1063/773	0 16
	1064/773	0 10
	1065/773	0 13
	774	कम अज मरला
	776	0 8
	777	0 8
	1066/803	0 13
	1067/803	1 2
	1068/803	1 8
	1069/804/1	0 5
	872/1	0 2
	874/1	0 5
	875/1	0 4
	876/1	0 8
	879	1 10
	886	1 3
	893	1 15
	900	1 13
	904/1	0 4
	905	0 11
	908	0 13
	909/1	0 5
	910/1	0 3
	912	0 8

किता .. 67 41, 16

*गांव डुढाणा धिरथां, तहसील व जिला हमीरपुर में घनेटा-हमीरपुर बाया कांगू गलोड़ सड़क के निर्माण हेतु ।

संख्या लो० नि० (ब) 7(1) 67/94.

जिमला-2, 30 मार्च, 1995.

गांव 1	खसरा नं० 2	क्षेत्र बीघे बिस्व 3 4
डुढाणा धिरथां	64/1	0 3
	65/1	0 6
	73/1	0 6
	74/1	0 6
	75/1	0 2
	76/1	0 1
	76/2	0 6
	77/1	0 2
	78/1	0 16
	81/1	0 1
	82	0 9
	83/1	0 12
	84/1	0 11
	88/1	0 5
	89/1	0 5
	98/1	0 0
		सरसाही 2
	99/1	0 1
	102/1	0 1
	103/2	2 10
	119/1	0 2
	121/1	0 5
	123/1	0 1
	130/1	0 1
	131	0 5
	132/1	0 19
	133/1	0 2
	139/1	0 4
	226/1	0 7
	267/1	0 1
	268/1	0 9
	270/1	0 7
	271/1	0 5
	272/1	0 5
	273/1	0 2
	275/1	0 1
	276/2	0 1
	277/1	0 4
	301/1	0 3
	302/1	0 14

1	2	3	4	1	2	3	4
	303/1	0	7		994/1	0	1
	361/1	0	2		996/1	0	
	317/1	0	8				
	319/1	0	3	कित्ता ..	51	17	18
	320/2	0	8			सरसाही	4
	351/2	0	2				
	352/2	0	10				
	353/2	0	16				
कित्ता ..	47	14	17				
		सरसाही	2				

*गांव टिककर, तहसील व जिला हमीरपुर में धनेटा-हमीरपुर वाया कांगू-गलोड़ सड़क के निर्माण हेतु।

*गांव ददवीं, तहसील बड़सर, जिला हमीरपुर में भोटा-बिझड़ी वाया रोपड़ी सड़क के निर्माण हेतु।

तहसील : बड़सर

संख्या लो० नि० (ख) 7(1)-65/93.

शिमला-2, 30 मार्च, 1995.

संख्या लो० नि० (ख) 7 (1) 75/94.

शिमला-2, 30 मार्च, 1995.

गांव	खसरा नं०	क्षेत्र कनाल मरले
ददवीं	665	0 . 9
	666	0 7
	667	0 7
	668/1	0 12
	672/1	0 8
	676/1	0 3
	682/1	0 2
	683	0 4
	687	0 3
	688/1	0 4
	689/2	0 4
	690/2	1 4
	691/2	0 13
	692/1	0 2
	745/2	0 13
	967/1	0 6
	968/1	0 4
	1020/1	0 15
	1021/1	0 16
	1043/1	1 6
	1027	0 4
	1044/1	1 8
	1046/1	0 11
	1049/1	0 3
	1128/1	0 4
	1145/1	1 3
	1146/1	1 14
	1159/1	1 9
	1178/1	0 2
	1179/1	0 4
	1180/1	0 2
	1181/1	0 2
	1182/1	1 3
	1183/1	0 4
	1184/1	1 5
कित्ता ..	35	20 0

*गांव भरडयाणा, तहसील बड़सर, जिला हमीरपुर में भोटा-बिझड़ी वाया रोपड़ी सड़क के निर्माण हेतु।

संख्या लो० नि० (ख) 7(1)-73/93.

शिमला-2, 30 मार्च, 1995.

गांव	खसरा नं०	क्षेत्र बिघा बिस्वा
भरडयाणा	270/1	0 4
	272/1	0 4
	274/1	0 10
	275/1	0 2

1	2	3	4
	277/1	0	6
	278/1	0	8
	331/2	0	3
	268/1	0	7
	269/1	0	3
	273/1	1	1
	279/1	0	4
	280/1	0	2
	296/1	0	1
	312/1	0	8
	311	0	4
	313/1	0	9
	314/1	1	7
	318/1	0	2
	319/1	0	6
	320	0	5
	321	0	13
	324	1	14
	325	0	4
	140/1	0	4
	340/2	0	16
कित्ता ..	25	10	7

*गांव प्यादकड़, तहसील व जिला हमीरपुर में घनेटा-हमीरपुर बाया कांगू गलोड़ सड़क के निर्माण हेतु।

संख्या लो0 नि0 (ख) 7(1)/94.

शिमला-2, 18 अप्रैल, 1995.

		क्षेत्र	
		कनाल	मरले
प्यादकड़	92/1	0	1
	93/2	1	1
	94/2	0	4
कित्ता ...	3	1	6

*गांव मटयाडू, तहसील व जिला हमीरपुर में घनेटा-हमीरपुर बाया कांगू-गलोड़ सड़क के निर्माण हेतु।

संख्या लो0 नि0 (ख) 7(1)-60/94.

शिमला-2, 18 अप्रैल, 1995.

मटयाडू	149/1/1/1	0	3
	150/1/1/2	1	0
	60/2/2	1	19
	61/2/2	0	19
	61/2/2	0	10
	74/11/1	1	10
	73/11/1	0	19
	156/48/1	0	6
	157/48/1	0	11
	158/49/2	0	17
	159/49/2	0	11
	40/12/2	1	8
	51/12/3	2	2
	161/13/1	कम अज मरला	
	54/14/1	0	1
कित्ता ..	15	12	16

आदेश द्वारा,

पी0 एम0 गणा,
सचिव।

यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर मार्बजनिंग प्रयोजन नामतः* हेतु भूमि अर्जित करने अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उपरोक्त क्षेत्र में जैसा कि निम्न विवरणों में निर्दिष्ट किया गया है, उपरोक्त *प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इनके सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अधिकों को इनके की कमी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए सह्य प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति जिसे उक्त परिश्रेत में कथित भूमि के अर्जन करने पर कोई आपत्ति हो ता वह इस अधिसूचना के प्रकाशित होने के तीन दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, लोक निर्माण विभाग, मालन के समक्ष अपनी आपत्ति दायर कर सकता है।

*गांव शलाना, तहसील राजगढ़, जिला मिरमौर में कम्पाऊंड कार्यालय, (हि0 प्र0) लोक निर्माण विभाग राजगढ़ के निर्माण हेतु। संख्या लो0 नि0 (ख) 7(1) 168/94.

शिमला-2, 27 मार्च, 1995.

विवरणी

तहसील : राजगढ़

गांव	खमरा नं0	क्षेत्र	वीघा बिम्बा
शलाना	700/79/23/1	2	10
कित्ता ..	1	2	10

तहसील : पांवडा

*गांव भाटावाली, तहसील पांवडा, जिला मिरमौर में जोहडी-पिपनी बाला मार्ग सड़क के निर्माण हेतु।

संख्या लो0 नि0 (ख) 7(1) 120/94.

शिमला-2, 18 अप्रैल, 1995.

भाटावाली	430/79/1	0	8
	59/1	0	10
	61/1	0	1
	362/76/1	0	8
	94	5	2
	420/368/92/1	0	6
	372/93/1	0	2
	369/93/1	0	2
कित्ता ..	8	6	19

*गांव किरतपुर भगवानपुर, तहसील पांवडा, जिला मिरमौर में जोहडी पिपनीवाला मार्ग सड़क के निर्माण हेतु।

संख्या लो0 नि0 (ख) 7(1) 118/94.

शिमला-2, 18 अप्रैल, 1995

किरतपुर भगवानपुर	183/2	2	3
	186/2	0	5
	187/1	0	3
	188/1	0	8
	266/190/1	0	4
	267/190/2	1	3
कित्ता ..	6	4	6

*गांव जोहडो, तहसील पांवटा, जिला सिरमौर में जोहडो पिपलीवाला मार्ग सड़क के निर्माण हेतु।

संख्या लो0 नि0 (ख) 7(1) 119/94.

शिमला-2, 18 अप्रैल, 1995

जोहडो	84/1/2	0	12
	85/1/2	1	7
	96/68/1	0	6
	69/2/1	2	13
किता ..	4	4	18

*गांव थनोगा, तहसील राजगढ़, जिला सिरमौर में सोजन-मीनष सड़क के निर्माण हेतु।

संख्या लो0 नि0 (ख) 7(1) 99/95.

शिमला-2, 24 अप्रैल, 1995

थनोगा	253/1	0	2
	254	1	10
किता ..	2	1	12

यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः* भूमि ली जानी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा की निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त *प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हो सकते हैं; की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के 30(तीस) दिनों की प्रवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, लो0 निर्माण विभाग, हमीरपुर के समक्ष अपनी आपत्ति दायर कर सकता है।

*गांव लाहड़, तहसील अम्ब जिला ऊना में लम्बासैल-मैडी सड़क के निर्माण हेतु।

संख्या लो0 नि0 (ख) 7(1)-148/93.

शिमला 2, 7 अप्रैल, 1995.

विवरणी

जिला : ऊना

तहसील : अम्ब

किता ..

12

19 11

गांव	खसरा नं0	क्षेत्र (हेक्टेयरों में)	3	4	5
1	2				
लाहड़	715/1/2	0	01	10	
	767/1	0	01	20	

आदेश द्वारा

पी0 एस0 राणा,
सचिव।

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

—शून्य—

भाग 3—अधिविवरण, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनेन्सियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि।

—शून्य—

भाग 4—स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग।

—शून्य—

780/1/1	0	00	40
782/2	0	03	90
785/2	0	07	66
786/2	0	01	20
787/2	0	12	82
787/4	0	29	99
788/2	0	04	06
796/1	0	01	84
797/1	0	01	26
798/2	0	01	82
800/1	0	00	96
801/1	0	00	80
802/2	0	06	98
802/4	0	13	75
809/2	0	05	16
817/1	0	00	56
किता ..	18	0	95 46

*गांव मंडी, तहसील अम्ब, जिला ऊना में लम्बासैल-मैडी सड़क के निर्माण हेतु।

संख्या पी0 ड0 (ख) 7(1) 147/93.

शिमला-2, 18 अप्रैल, 1995.

गांव	खसरा नं0	क्षेत्र (कनाल मरले)	3	4
1	2			
मैडी	2504/2	8	1	
	2504/3	0	8	
	2505/1	0	7	
	2510/1	0	14	
	2515/2	0	7	
	2517/1	2	16	
	2518/2	0	11	
	2519/1	1	3	
	2520/1	0	5	
	2521/1	0	11	
	2522/1	0	11	
	2523/1	3	17	
किता ..	12	19	11	

भाग 5--वैयक्तिक अधिसूचनाएं और विज्ञापन

**PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.
BEFORE THE MOTOR ACCIDENT CLAIMS
TRIBUNAL, BILASPUR, HIMACHAL PRADESH**

M.A.C. case No. 18 of 1992,
Date of Hearing 24-6-1995,

Dinesh Kumar s/o Achhar Singh, r/o Village Beri
Razadian, Tehsil Sadar, District Bilaspur, Himachal
Pradesh ..Petitioner.

Versus

Roop Singh s/o Rikhi Ram, r/o Village Swahal,
P.O. Toni Devi, Tehsil, and District Hamirpur,
Himachal Pradesh and others ..Respondent(s)

Notice to:

Shri Roop Singh s/o Rikhi Ram, r/o vilage Sawahal,
Post Office Toni Devi, Tehsil and District Hamirpur,
Himachal Pradesh.

Whereas in the above noted case/petition, it has been
proved to the satisfaction of this Tribunal that the above
noted respondent cannot be served through the normal
course of service of the notice. Hence this proclamation
is hereby issued against you to appear before this
Tribunal on 24-6-1995, at 10 A. M. Sharp, personally
or through an authorised agent or pleader to defend
you, failing which proceedings shall be taken *ex parte*
against you.

Given under my hand and seal of the Tribunal this
20th day of April, 1995.

Seal,

V. K. AHUJA,
Motor Accident Claims Tribunal,
Bilaspur, Himachal Pradesh.

न्यायालय श्री प्रभात शर्मा, सहायक समाहर्ता प्रथम श्रेणी, पांगो,
जिला चम्बा, हिमाचल प्रदेश

श्री डोलो राम पुत्र श्री बालक राम, निवासी पुन्टों, परगना
किलाड़, तहसील पांगो, जिला चम्बा, हिमाचल प्रदेश .. वादी।

बनाम

1. जैया पुत्र घासी राम, निवासी पुन्टों, परगना किलाड़, 2. देवी
सिंह पुत्र गुरदित्त, निवासी पुन्टों, 3. मान सिंह पुत्र गुरदित्त,
निवासी पुन्टों, 4. नरैण सिंह पुत्र भागी राम, निवासी पुन्टों,
5. महोत लाल पुत्र भूशानी राम, निवासी पुन्टों, 6. ज्ञान चन्द
पुत्र दिली राम, निवासी मुहल्ला सपड़ी, शहर चम्बा, 7. कैदार
नाथ पुत्र दिली राम, निवासी मुहल्ला सपड़ी, शहर चम्बा,
8. भगवान दास पुत्र दिली राम, निवासी पुन्टों, 9. डोलो राम पुत्र
दिली राम, निवासी पुन्टों, 10. लेख राज पुत्र दिली राम, निवासी
मुहल्ला सपड़ी, शहर चम्बा, 11. पूर्ण चन्द पुत्र बेली राम, निवासी
करोहती, परगना किलाड़, तहसील पांगो, जिला चम्बा, हिमाचल
प्रदेश .. प्रतिवादीगण।

मुकद्दमा तकसीम खाता खतौनी नम्बर 51 से 57, कित्ता 25
रकबा तादादी 40 बीघा 3 बिस्वा, वाक्या मुहाल पुन्टों, परगना
किलाड़, तहसील पांगो, जिला चम्बा, हिमाचल प्रदेश।

मुकद्दमा उक्त उक्त अनवान बाजा में प्रतिवादीगण नं० 4, 6,
7 व 10 को कई बार समन जारी किए गए मगर उनकी
तामील जाब्ता साधारण तरीके से नहीं हो रही है। इसलिए अदालत
हजा को पूर्ण विश्वास हो बुता है कि उक्त प्रतिवादीगण नं०
4, 6, 7 व 10 की तामील साधारण तरीके से होती कठिन है।

अतः बजरिया इशतहार प्रतिवादीगण नं० 4, 6, 7 व 10
सर्वश्री नरैण सिंह, ज्ञान चन्द, कैदार नाथ व लेख राज को सूचित
किया जाता है वे दिनांक 30-5-1995 को सुबह 10 बजे
मुकाम किलाड़ हमारी अदालत बराए पैरवी मुकद्दमा अदालतन
या बकालतन हाजिर आ कर मुकद्दमा पैरवी करें। अन्यथा

हाजिर न आने की सूत्र में एकतरफा कार्यवाही अमल में लाई
जाएगी।

आज दिनांक 26-12-1994 को मेरे हस्ताक्षर एवं अदालत की
मोहर म जारी हुआ।

मोहर।

प्रभात शर्मा,
सहायक समाहर्ता प्रथम श्रेणी,
पांगो, जिला चम्बा (हि० प्र०)।

ब अदालत नाथव तहसीलदार एवं कार्यकारी दण्डाधिकारी,
तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश

कर्मल राम स्वरूप मुपुत्र श्री गुरदित्तमल सहगल; निवासी सी 3
ए/41 सी जनकपुरी, नई दिल्ली।

बनाम

आम जनता व अन्य

विषय :--प्रायंतः-पत्र जेर धारा 13(3) जन्म व मृत्यु पंजीकरण
अधिनियम, 1969.

नोटिस बनाम आम जनता।

कर्मल राम स्वरूप मुपुत्र श्री गुरदित्तमल सहगल सी 3ए/41सी
जनकपुरी, नई दिल्ली ने शपथ-पत्र सहित मुकद्दमा दायर किया है कि
उसकी पुत्री कुमारी मौना की जन्म तिथि 14-5-1974 है परन्तु
कैन्टोनमेंट बोर्ड योल में उक्त तारीख पंजीकृत न हुई है अतः इसे
पंजीकृत किए जाने के आदेश दिए जाएं। इस नोटिस के द्वारा समस्त
जनता को तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि
किसी को उक्त वक्के की जन्म तिथि पंजीकृत किए जाने बारे कोई
एतराज हो तो वह हमारी अदालत में दिनांक 12-5-95 को अमालतन
या बकालतन हाजिर होकर उजर पेश कर सकता है अन्यथा मुताबिक
शपथ-पत्र जन्म तिथि पंजीकृत किए जाने बारे आदेश पारित कर दिए
जाएंगे।

आज दिनांक 7-4-95 को मेरे हस्ताक्षर व मोहर अदालत द्वारा
जारी किया गया।

मोहर।

हस्ताक्षरित/-
नाथव तहसीलदार एवं कार्यकारी दण्डाधिकारी,
तहसील धर्मशाला, जिला कांगड़ा, हि० प्र०।

ब अदालत श्री बलवीर सिंह लगवाल, कार्यकारी दण्डाधिकारी,
इन्दौरा, जिला कांगड़ा, हिमाचल प्रदेश

श्री दुनो राम, निवानो बड़खर, तहसील इन्दौरा, जिला कांगड़ा।

बनाम

आम जनता

दख्खस्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

उक्त मुकद्दमा अनवान वाला में प्राथी श्री दुलो राम, निवासी
बड़खर, तहसील इन्दौरा ने गुजारिश की है कि दिलीप राम पुत्र हीरा लाल
की मृत्यु दिनांक 8-1-1979 को हुई है लेकिन उसकी मृत्यु तिथि
पंचायत रिफार्ड में पंजीकृत नहीं हुई है।

अतः आम जनता को बजरिया राजपत्र सूचित किया जाता है
कि उक्त पंजीकरण के बारे किसी को कोई उजर व एतराज
हो तो वह दिनांक 12-5-95 को अमालतन या बकालतन इस अदालत
हजा में प्राथी 10 बजे हाजिर होकर अपना पक्ष प्रस्तुत करें अन्यथा
यकतरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 27-3-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

बलवीर सिंह लगवाल,
कार्यकारी दण्डाधिकारी,
इन्दौरा, जिला कांगड़ा।

बमदालत श्री बलवीर सिंह लगवाल कार्यकारी दण्डाधिकारी इन्दौरा, जिला कांगड़ा श्रीमती दर्शना देवी निवासी लाडथ तहसील इन्दौरा, जिला कांगड़ा।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) पंजीकरण जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969

उपरोक्त मुकद्दमा उनवान वाला में प्रार्थिका श्रीमती दर्शनी देवी पत्नी राम सिंह निवासी लाडथ तहसील इन्दौरा ने गुजारिश कि उसकी पुत्री अरुना देवी का जन्म 17-1-1990 को हुआ है लेकिन उसकी जन्म तिथि पंचायत रिकार्ड में दर्ज नहीं है।

अतः ग्राम जनता को बजरिया इश्तहार सूचित किया जाता है कि उपरोक्त पंजीकरण बारे किसी को कोई उजर व एतराज हो तो वह दिनांक 12-5-95 असातन या वकालतन इस अदालत हजा में सुबह 10.00 बजे हाजिर होकर अपना पक्ष प्रस्तुत करें अन्यथा यकवरका कार्यवाहीअमल में लाई जावेगी।

आज दिनांक 27-3-95 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

बलवीर सिंह लगवाल;
कार्यकारी दण्डाधिकारी,
इन्दौरा जिला कांगड़ा।

NOTICE

In the Court of Shri Santosh Kumar, Executive Magistrate, Sub-Tehsil Rakkar, District Kangra, H. P.

Application U/S 13(3) of birth and death Act, 1969
notice for publication

Shri Jai Lal S/o Shri Babu Ram, resident of village Maira, P. O. Bani, Sub-Tehsil Rakkar, Tehsil Dehra, District Kangra, (H. P.) to the court of Executive Magistrate has give an application that his father Shri Babu Ram, death wrongly not entered in the Registration Register of death of Gram Panchayat. The same be entered. His date of death is 29-5-94 and he is died at village Maira.

As such through this notice all neighbours and relatives are hereby informed, In case any difficulty in registration this name then be dated 9-5-1995 at 10.00 A. M. produce documentary proof otherwise needful be done.

To day dated 4th, month April, years 1995 issued under my signature and court stamp.

Seal.

SANTOSH KUMAR,
Executive Magistrate,
Rakkar, (Kangra).

बमदालत उप पंजीकाध्यक्ष उप-तहसील फतेहपुर जिला कांगड़ा हिमाचल प्रदेश

मिसल नं० 3/1995/एन० टी० एफ० तारीख पेशी 16-5-1995
हिस्म मुकद्दमा/पंजीयन वसीयत

ब मुकद्दमा :

विटटू उर्फ पवन सिंह, पुत्र श्री चूहड़ू राम उर्फ चूहड़ू सिंह, साकन सुनेट सब तहसील फतेहपुर जिला कांगड़ा प्रार्थी

बनाम

ग्राम जनता

.. प्रत्यार्थी

दरखास्त बगर्ज किये जाने पंजीकृत वसीयतनामा

मुकद्दमा उनवान वाला में प्रार्थी ने इस न्यायालय में एक दरखास्त बगर्ज पंजीकृत किये जाने जो स्व० चूहड़ू राम उर्फ चूहड़ू सिंह पुत्र श्री जैसी राम तहरीर करवाई है, पेश की है। चूहड़ू राम उर्फ चूहड़ू सिंह फौत हो चुका है।

अतः ग्राम जनता को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त वसीयत के पंजीकृत होने में कोई उजर व एतराज हो तो वह असातन या वकालतन मिति 16-5-1995 को पेश कर सकता है अन्यथा कार्यवाही एक पक्षीय अमल में लाई जावेगी।

हमारे हस्ताक्षर व मोहर अदालत से आज दिनांक 4-4-95 को जारी हुआ।

मोहर।

हस्ताक्षर/-;
उप-पंजीकाध्यक्ष,
उप-तहसील फतेहपुर,
हिमाचल प्रदेश।

बमदालत श्री सोहन लाल शर्मा, सहायक समाहर्ता, द्वितीय श्रेणी कम नायब तहसीलदार, कांगड़ा (हि० प्र०)

मिसल नं० : 149/NT/94

श्रीमती दानो देवी सुपुत्री हाड़ू, वासी टीका मतेहड़, मौजा पठियार, तहसील व जिला कांगड़ा

बनाम

1. श्रीमती सुती सुपुत्री राम दित्ता; 2. विशनी देवी केवा शेख, 3. कर्म चन्द सुपुत्र व 4. निशा देवी, 5. रक्षा देवी, 6. बीना देवी, 7. विन्ता देवी सुपुत्रियान शेख, 8. श्रीमती मकोड़ी देवी केवा हाड़ू राम, वासी टीका मतेहड़, मौजा पठियार प्रत्यार्थीगण।

दरखास्त बराये तकसीम भूमि खाता नं० 164, खतौनी नं० 254 ता 257, खसरा नम्बरान, कित्ता 12, रक्बा तादादी 0-10-96 हैक्टयर, वाक्या महाल मतेहड़, मौजा पठियार, तहसील व जिला कांगड़ा, अमाबन्दी वर्ष 1991-92.

नाटिम बनाम :

.. प्रत्यार्थीगण।

उपरोक्त दावा तकसीम इस न्यायालय में विचाराधीन है। जिसमें प्रत्यार्थीगण की हाजरी जरूरी है। उपरोक्त प्रत्यार्थियों को कई बार इस अदालत द्वारा बजरिया समन तलब किया गया लेकिन हर बार समन विला नामोल प्राप्त होते रहे। अतः न्यायालय को पूर्ण विश्वास हो चुका है कि प्रत्यार्थियों की साधारण ढंग से तामील होना असम्भव है।

अतः इस इश्तहार द्वारा उपरोक्त प्रत्यार्थियों को सूचित किया जाता है कि अगर कोई एतराज हो तो वह असातन या वकालतन या अपने किसी एजेंट द्वारा हाजिर होकर दिनांक 15-5-1995 को सुबह 10.00 बज पेश कर सकता है। हाजर न आने की मूरत में यकवरका कार्यवाही अमल में लाई जाएगी।

आज दिनांक 10-4-95 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

सोहन लाल शर्मा,
सहायक समाहर्ता द्वितीय श्रेणी,
कम नायब-तहसीलदार, कांगडा।

व अदालत श्री जय राम डोगरा, तहसीलदार/कार्यकारी दण्डाधिकारी,
लाहुल स्थान केलंग

श्री छेरंग दोरजे पुत्र पनजोर, गांव व कोठी गुमरंग, तहसील लाहुल
जिल्ला लाहुल एवं स्थिति स्थान केलंग ... प्रार्थी।

बनाम

ग्राम जनता

... प्रत्यार्थीगण।

विषय :—दुरुस्ती नाम सचिव, पंचायत अभिलेख में।

नोटिस बनाम ग्राम जनता।

उपरोक्त विषय के सम्बन्ध में प्रार्थी छेरंग दोरजे पुत्र पनजोर, गांव व कोठी गुमरंग, तहसील लाहुल ने इस अदालत में प्रार्थना-पत्र नाम दुरुस्ती हेतु दिया है किम उस का दादा मोनम छेरंग पुत्र क्याटुक साल 1992 को फौत हो चुका है परन्तु सचिव, पंचायत अभिलेख जन्म तथा मृत्यु में मोनम छेरंग पुत्र नारवू गल्ली से दर्ज हुआ है जब कि उस का असली नाम मोनम छेरंग पुत्र क्याटुक है। प्रार्थी ने इस की पुष्टि में एक शपथ-पत्र भी पेश किया है।

अतः इस अदालती इशतहार द्वारा सम्बन्धीगण प्रार्थी तथा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को दुरुस्ती नाम हेतु एतराज हो तो वह इस अदालत में दिनांक 16-5-95 को अदालतन या वकालतन बराये मुकदमा पैरवी हाजिर होवे। अन्यथा सचिव, पंचायत अभिलेख प्रार्थी के दादा मोनम छेरंग के पिता का नाम की दुरुस्ती किए जाने के आदेश पारित किए जावेंगे।

आज दिनांक 29-3-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

जय राम डोगरा,
तहसीलदार/कार्यकारी दण्डाधिकारी,
लाहुल स्थान केलंग।

In the court of Shri A. C. Thalwal, Senior Sub-Judge
Mandi, Himachal Pradesh

In the matter :—

Smt. Kamla Devi wd/o Bhadar son of Het Ram,
r/o Village Gudwahan, Illaqua Bagra, Tehsil Sadar,
District Mandi ... Petitioner.

Versus

General public

... Respondent

Notice to :—

General Public.

Petition U/S 8 of the Hindu Minority and Guardianship Act for permission to sell the property of the minors.

Whereas above named applicant has filed an application U/S 8 of Hindu Minority and Guardianship Act before this court on 12-4-1994 for seeking permission to sell the immovable property of the minors Miss. Bimla Devi and Kishori Lal are minor daughter and son of the petitioner comprised under Khewat No. 186 min/177 Khatauni No. 259, Khasra No. 355 measuring 1-15-17 bighas situated at Village Gudwahan, No. H. B. 126, Illaqua Bagra, Tehsil Sadar, District Mandi for the nourishment welfare and education of the said minors.

Hence notice is hereby given to the general public for filing objection, if any, before this court on 19-5-95 at 10 A.M. failing which an ex parte proceedings will be taken.

Given under my hand and seal of the Court today
24th March, 1995.

Seal.

A. C. THALWAL,
Senior Sub Judge,
Mandi, District Mandi (H.P.).

इशतहार

व अदालत सहायक समाहर्ता श्री मनोहर लाल, उप-पंजीकाध्याक्ष
(नायब-तहसीलदार), तहसील सरकाघाट, जिला मण्डी, हि० प्र०

मुकदमा शीर्षक :

श्रीमती वन्ती देवी विधवा ध्यान सिंह, गांव कराड़ी पपनोग, ईलाका;
अनूपुर, तहसील सरकाघाट, जिला मण्डी, हि० प्र० ... प्रार्थी।

बनाम

ग्राम जनता हिमाचल प्रदेश

... प्रत्यार्थीगण।

विषय :—दरखास्त वगज पंजीकृत किये जाने वसीयतनामा।

प्रार्थी ने दिनांक 18-3-1995 को दरखास्त व प्रतिलिपि वसीयतनामा इस अदालत में पेश की है। जो कि श्रीमती देवकु देवी विधवा हरी चन्द, गांव कराड़ी पपनोग ने दिनांक 10-11-1993 को ख्वर गवाहान व शिनाख्तकर्ता प्रार्थी के नाम तहरीर करवाई है कि वगज पंजीकृत प्रस्तुत की है। मृत्यु प्रमाण-पत्र जिसके अनुसार श्रीमती देवकु मिति 9-9-1994 को स्वर्ग सिधार चुकी है। अतः ग्राम जनता को वगज दस्तखत इशतहार सूचित किया जाता है कि अगर किमा व्यक्ति को इन वसीयतनामा के पंजीकृत करवाने में एतराज हो तो वह दिनांक 10-5-1995 को सुबह 10.00 बजे अदालतन या वकालतन हाजर आकर अपना एतराज प्रस्तुत कर सकता है। अन्यथा कार्यवाही नियमानुसार अमल में लाई जायेगी।

आज दिनांक 4-4-1995 को हमारे मोहर व हस्ताक्षर अदालत से जारी हुआ।

मोहर।

मनोहर लाल,
सहायक समाहर्ता, उप-पंजीकाध्याक्ष
(नायब-तहसीलदार) तहसील सरकाघाट,
जिला मण्डी, हिमाचल प्रदेश।

न्यायालय श्री के० आर० भारद्वाज, उप-पंजीकाध्याक्ष, उप-तहसील
बलदाड़ा, जिला मण्डी, हिमाचल प्रदेश

निसल नं०

तारीख नरजुआ

1

18-1-95

व मुकदमा :

राजेश्वर सिंह पुत्र जय सिंह, निवासी बतैल (पालग), इ० बैरा,
उप-तहसील बलदाड़ा, जिला मण्डी, हिमाचल प्रदेश ... प्रार्थी।

बनाम

ग्राम जनता

... करीब नदोयम।

प्रार्थना-पत्र वगज पंजीकृत किए जाने वसीयतनामा।

उपरोक्त प्रार्थी ने हमारे समक्ष एक प्रार्थना-पत्र इस आशय से पेश किया है कि श्रीमती चिन्ती देवी पुत्री देवी राम पुत्र पंजु, निवासी रमेहड़ा इ० बैरा, उप-तहसील बलदाड़ा, जिला मण्डी ने दिनांक 22-11-1994 को अपनी चल व अचल सम्पत्ति वाक्या महान बतैल (पालग) व मस्मानो के प्रति एक वसीयतनामा घर पर निष्पादित करवाया है। उक्त वसीयतनामा को तस्दीक करके दर्ज रजिस्टर किया जावे। श्रीमती चिन्ती देवी वसीयतकर्ता, ग्राम पंचायत एवं विकास अधिकारी ग्राम पंचायत भाम्बला, विकास खण्ड गोपालपुर, जिला मण्डी, हिमाचल प्रदेश के द्वारा जारी मृत्यु प्रमाण-पत्र के अनुसार दिनांक 29-11-1994 को स्वर्ग सिधार चुकी है।

अतः बजरिया इशतहार हजा आम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त वसीयतनामा के तस्दीक व दर्ज रजिस्टर होने में कोई आपत्ति हो तो वह असातन या बकालतन दिनांक 22-5-1995 या उसके एक माह के अन्दर उपस्थित न्यायालय हजा में हाजर होकर पेज करे अन्यथा आवश्यक ही नियमानुसार अमल में लाई जावेगी।

हस्ताक्षर हमारे और मोहर अदालत से आज दिनांक 17-4-1995 को जारी हुआ है।

मोहर।

के० आर० भारद्वाज,
उप-पंजीकाक्षक,
उप-तहसील बलहाड़ा, जिला मण्डो,
हिमाचल प्रदेश।

व अदालत श्री गोपाल शर्मा, कार्यकारी दण्डाधिकारी, कुमारसैन, जिला शिमला, हिमाचल प्रदेश

आ दिना राम सुपुत्र श्री हिरू राम, निवासी सुदमु, तहसील कुमारसैन, जिला शिमला, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

दख्वास्त जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री दिना राम पुत्र श्री हिरू राम, निवासी सुदमु, तहसील कुमारसैन, जिला शिमला, हिमाचल प्रदेश ने इस न्यायालय में गुजारिश की है कि उसकी पत्नी श्रीमती पुष्पा देवी, एक लड़का अकुश कुमार काश्यप का नाम पंचायत मंगसू के रिकार्ड में दर्ज न है। अतः इस अदालत इशतहार द्वारा सर्वसाधारण जनता को सूचित किया जाता है कि यदि उक्त नाम पंचायत मंगसू में दर्ज करने वाले किसी का कोई एतराज हो तो वह दिनांक 17-5-1995 को या इससे पूर्व हाजर अदालत होकर अपना एतराज पेज कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम दर्ज करने वाले आदेश कर दिये जायेंगे।

आज दिनांक 17-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

गोपाल शर्मा,
कार्यकारी दण्डाधिकारी,
कुमारसैन, जिला शिमला (हि० प्र०)।

व अदालत श्री गोपाल शर्मा, कार्यकारी दण्डाधिकारी कुमारसैन, जिला शिमला, हिमाचल प्रदेश

श्री तुलसी राम सुपुत्र श्री फिन्डू, निवासी कोटगढ़, तहसील कुमारसैन जिला शिमला, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

दख्वास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री तुलसी राम सुपुत्र श्री फिन्डू, निवासी कोटगढ़, तहसील कुमारसैन, जिला शिमला, हिमाचल प्रदेश ने इस न्यायालय में गुजारिश की है कि उसकी पत्नी कुमारी पूनम सुपुत्री श्री दीप कुमार, निवासी कोटगढ़ की जन्म तिथि 7-10-1990 है जो कि पंचायत रिकार्ड में दर्ज न है। अतः इस अदालत इशतहार द्वारा सर्वसाधारण जनता को सूचित किया जाता है कि यदि उक्त नाम पंचायत रिकार्ड कोटगढ़ में दर्ज करने वाले किसी का कोई एतराज हो तो वह मिति 18-5-1995 को या इससे पूर्व हाजर अदालत होकर अपना एतराज पेज कर सकता है, अन्यथा सम्बन्धित सचिव को उक्त नाम दर्ज करने वाले आदेश कर दिए जाएंगे।

आज दिनांक 7-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

गोपाल शर्मा,
कार्यकारी दण्डाधिकारी,
कुमारसैन, जिला शिमला,
हिमाचल प्रदेश।

व अदालत श्री वी० के० नेमी, कार्यकारी दण्डाधिकारी, तहसील रामपुर बुशहर, जिला शिमला, हिमाचल प्रदेश

श्री हरि सिंह सुपुत्र श्री सोहन लाल, ग्राम वासी रमा (दारन), तहसील रामपुर बुशहर, जिला शिमला, हिमाचल प्रदेश।

बनाम

आम जनता

दख्वास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री हरि सिंह सुपुत्र श्री सोहन लाल उपरोक्त ने अधिनियम धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत दख्वास्त प्रस्तुत करके प्रार्थना की है कि उसकी पुत्री कुमारी पूजा की जन्म तिथि 2-11-1992 पंचायत के रिकार्ड में दर्ज नहीं है। जिसे प्रार्थी अब दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को कोई उजर व एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा दिनांक 30-5-95 को सुबह 10 बजे इस अदालत में उपस्थित होकर प्रस्तुत करे, वरना पंचायत रिकार्ड में नाम दर्ज करने के आदेश जारी कर दिए जाएंगे।

आज दिनांक 24-4-95 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० के० नेमी,
कार्यकारी दण्डाधिकारी,
तहसील रामपुर, जिला शिमला (हि० प्र०)।

In the Court of Shri R. K. Verma, Sub Judge 1st Class, Rampur Bushehr, District Shimla, Himachal Pradesh

In re :—

State Bank of India (A body corporate duly constituted under The State Bank of India Act, 1955) having its Branch Office at Jhakri, Tehsil Rampur Bushehr, District Shimla, Himachal Pradesh ..Plaintiff

Vs.

Shri Mool Raj Thakur s/o Shri Devi Singh Thakur, C/o Pankaj Provisions Store, Sanjuali, Shimla, Himachal Pradesh ..Defendent.

SUIT FOR RECOVERY OF Rs. 3,996/-

PROCLAMATION U/O 5, RULE 20(1-A), C.P.C.

Whereas in the above noted case, it has been proved to the satisfaction of this court that the defendant can not be served through ordinary process. He is evading the service of summons and notice issued against him:

Hence, this proclamation U/O 5, Rule 20 (1-A), C.P.C. is hereby issued against him to appear in this court on or before 27-5-1995 at 10 A. M. personally or through pleader or authorised agent to defend the said case failing which *ex parte* proceeding shall be initiated against him.

Given under my hand and the seal of the court today 24th April, 1995.

Seal.

R. K. VERMA,
Sub Judge 1st Class,
Rampur Bushehr, District Shimla (H. P.).

व अदालत श्री विजय चन्दन, उप-पंजीपाल सुन्नी, तहसील सुन्नी, जिला शिमला, हिमाचल प्रदेश

उद्दान मुद्दमा :

श्री मेहर सिंह सुपुत्र श्री मस्त राम सुपुत्र श्री बली राम, निवासी बमोत, परगना छोटाबल, तहसील सुन्नी, जिला शिमला, हिमाचल प्रदेश हिमाचल प्रदेश

बनाम

ग्राम जनता

फरी कदोयम

प्रार्थना पत्र जेर धारा 40/41 भारतीय अधिनियम, 1908 बराए पंजीकृत किए जाने वसीयतनामा ।

नोटिस बनाम ग्राम जनता

उपरोक्त विषय में ग्राम जनता को बजरिया इस्तहार हुआ अग्राह किया जाता है कि श्री मेहर सिंह सुपुत्र श्री मस्त राम सुपुत्र श्री बली राम, निवासी बमोत, परगना छोटाबल, तहसील सुन्नी, जिला शिमला ने अपने जीते जी पूर्ण होश-हवास अकल के ब्रह्म गवाह एक वसीयतनामा अपने भतीजे सर्व श्री खेम चन्द व सत्य प्रकाश सुपुत्र श्री दुर्गा दास सुपुत्र श्री मस्त राम, निवासी बमोत, परगना छोटाबल, तहसील सुन्नी, जिला शिमला हिमाचल प्रदेश को नाम तहरीर करवाया है । श्री सत्य प्रकाश ने स्वयं हाजिर हो कर कहा कि श्री मेहर सिंह अब वफात पा चुका है तथा वसीयत नामा जेर धारा 40/41 भारतीय पंजीकरण अधिनियम 1908 के अन्तर्गत बराए पंजीकरण पेश किया ।

अतः ग्राम जनता को बजरिया इस्तहार हुआ सूचित किया जाता है कि इन वसीयत नामा के बारे किसी को कोई उजर या ऐतराज हो तो वह अपना उजर दिनांक 15-5-95 को मरी अदालत मुकाम सुन्नी में प्रातः 10 बजे उपस्थित आ कर पेश करें अन्यथा वसीयतनामा जेर धारा 40/41 भारतीय पंजीकरण अधिनियम 1908 के अन्तर्गत पंजीकृत किया जाएगा ।

आज दिनांक 21-4-95 को हमारे हस्ताक्षर व मोहर कार्यालय से जारी हुआ ।

मोहर ।

विजय चन्दन,
उप-पंजीकाध्यक्ष,
जिला शिमला (हि 0 प्र 0) ।

इस्तहार

व अदालत श्री राजीव शर्मा, उप-मण्डल दण्डाधिकारी, ठियोग जिला शिमला, हिमाचल प्रदेश ।

श्री सन्त राम पुत्र श्री नरखण सिंह, वासी बनैया, परगना मण्डली, तहसील ठियोग ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त विषय के सम्बन्ध में प्रार्थी श्री सन्त राम पुत्र श्री नरखण सिंह, ग्राम बनैया, तहसील ठियोग ने इस कार्यालय में प्रार्थना-पत्र प्रस्तुत किया है कि श्री दलीप सिंह पुत्र श्री सन्त राम का जन्म 10-4-92 को हुआ है का नाम पंचायत रिकार्ड कुठार में किसी कारण दर्ज न करवा सका । अब दर्ज करवाना चाहता है ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति/रिश्तेदार को इसके नाम दर्ज करवाने बारे एतराज हो तो वह अमालतन व वकालतन मिति 9-5-95 को समय 10 बजे सुबह हाजिर आकर पेश करे । अन्यथा नाम दर्ज करवाने के आदेश पारित कर दिये जावेंगे ।

आज दिनांक 4-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया ।

मोहर ।

राजीव शर्मा,
उप-मण्डलाधिकारी, ठियोग,
जिला शिमला, हिमाचल प्रदेश ।

इस्तहार

व अदालत श्री राजीव शर्मा, उप-मण्डल दण्डाधिकारी, ठियोग, जिला शिमला, हिमाचल प्रदेश

श्रीमती बेलमा देवी बेवा गुरसोह, ग्राम कुफटू, परगना कन्दर तहसील ठियोग ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त विषय के सम्बन्ध में प्रार्थी श्रीमती बेलमा देवी, विधवा गुरसोह, ग्राम कुफटू, परगना कन्दर ने इस कार्यालय में प्रार्थना-पत्र प्रस्तुत किया है कि उसका परिवार पंचायत रिकार्ड में दर्ज नहीं है । बेलमा देवी बेवा गुरसोह को जन्म तिथि 1-3-55 श्री जय राम पुत्र गुरसोह की जन्म तिथि 15-2-76, श्री हिरा सिंह पुत्र गुरसोह की जन्म तिथि 20-3-79 व कमणा देवी पुत्री गुरसोह की जन्म तिथि 13-3-82 है, लेकिन ग्राम पंचायत के रिकार्ड में इनकी जन्म तिथि दर्ज नहीं है ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति/रिश्तेदार को इनके नाम दर्ज करवाने बारे एतराज हो तो वह अमालतन व वकालतन मिति 9-5-95 को समय 10 बजे सुबह हाजिर आकर पेश करे । अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी तथा नाम दर्ज करवाने के आदेश जारी दिये जावेंगे ।

आज दिनांक 4-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया ।

मोहर

राजीव शर्मा,
उप-मण्डलाधिकारी, ठियोग,
जिला शिमला, हिमाचल प्रदेश

NOTICE UNDER ORDER 5, RULE 20 C. P. C.

In the Court of Shri Rajeev Bhardwaj, Sub-Judge 1st Class, Nalagarh, H. P.

C. Suit No. 4/1 of 89

Shri Jaspal son of Lachhman son of Munshi, resident of Kishanpura, Pargna Dharmpur, Tehsil Nalagarh, District Solan at present Village Dhang Nohli, Pargna Plassi, Tehsil Nalagarh, District Solan, H. P. Plaintiff.

Versus,

1. Roshni Devi wife of Shri Sher Singh son of Nand Lal, resident of Ward No. 4, Nalagarh, District Solan, H. P.
2. Lachhman son of Munshi son of Kirpa, resident of Village Kishanpara, Tehsil Nalagarh, District Solan, H. P. Defendants.

Whereas in the above noted case it has been proved to the satisfaction of this court that the defendant No. 2 namely Shri Lachhman son of Shri Munshi, resident of Village Kishanpura, Tehsil Nalagarh, District Solan, H. P. has been evading the service of summons and cannot be served in the normal course of service.

Hence this proclamation under Order 5, Rule 20 of the CPC is hereby issued against the above named defendant No. 2 requiring him to appear in this Court personally or through an authorised agent/pleader on or before 17-5-1995 failing which *ex parte* proceedings will be initiated against him.

Given under my hand and seal of the Court this 18th day of April, 1995.

Seal.

RAJEEV BHARDWAJ,
Sub-Judge 1st Class, Nalagarh,
District Solan, H. P.

इशतहार अदालती

व अदालत श्री ललित कुमार शर्मा, सहायक समाहर्ता द्वितीय श्रेणी,
सोलन, जिला सोलन, हिमाचल प्रदेश

केस नम्बर	तारीख दायर	अनुमान मुकद्दमा
26/9 आफ 93.	24-5-93.	तकसीम अराजी.

1. श्रीमती द्रोपती पत्नी श्री कृपा राम, निवासी गांव अनेच, तहसील व जिला सोलन, 2. श्रीमती रोशनी देवी पत्नी श्री चेत राम, निवासी गांव वजरोल, तहसील व जिला सोलन, 3. श्रीमती भगवती पत्नी श्री बदरीया पुत्र श्री बुध राम, निवासी बडोग, तहसील व जिला सोलन

बनाम

1. श्रीमती लक्ष्मी देवी विधवा मनसा राम, चमन, राजु पुत्र श्री मनसा राम, रक्षा, पार्वती पुत्रियां श्री मनसा राम, सभी निवासी गांव डिल्लो, डाकघर सुलतानपुर, तहसील व जिला सोलन, 2. श्री गंगा राम पुत्र श्री बुध राम, निवासी ग्राम डिल्लो, डाकघर सुलतानपुर, तहसील व जिला सोलन, 3. श्रीमती कलावती पत्नी श्री श्री मनसीया पुत्र श्री बुध राम, निवासी ग्राम वसाल, तहसील व जिला सोलन, 4. श्री मनी राम पुत्र श्रीमती फूलो पत्नी श्री सिधिया, 5. श्रीमती बीरा पुत्री श्रीमती फूलो पत्नी श्री सिधिया पुत्र श्री कृपा राम, निवासी कलोल, डाकघर कुमारहट्टी, तहसील व जिला सोलन, 6. श्रीमती कलावती विधवा (मृत) श्री सोहन लाल पुत्र सिधिया 7. राजु पुत्र सोहन लाल, 8. हरि चन्द पुत्र श्री सोहन लाल, 9. मुख देव पुत्र श्री सोहन लाल, सभी निवासी सपरहन की बियार, डाकघर सपरहन, जिला सोलन प्रतिवादीगण।

व मुकद्दमा उपरोक्त में प्रतिवादीगण को कई बार समन लिखे गये लेकिन उनका तामील न हो सकी। अदालत को पूर्ण विश्वास हो चुका है कि प्रतिवादीगण की तामील आसान तरीके से नहीं हो सकती है इसलिए इस इशतहार राजपत्र द्वारा सूचित किया जाता है कि वह अदालत हजा में दिनांक 19-5-95 को प्रातः 10 बजे अदालतन व वकालतन हाजर आकर परखी मुकद्दमा करें। अन्यथा कार्यवाही एक तरफा अमल में लाई जावेगी। इस तिथि के बाद कोई उजर व एतराज न सुना जावेगा।

आज दिनांक 31-3-95 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

ललित कुमार,
नायब-तहसीलदार एवं सहायक समाहर्ता, द्वितीय वर्ग,
सोलन, जिला सोलन (हि0प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश

श्री बिपर सिंह पुत्र गणेश राम, निवासी रेडी गुसान, तहसील राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधि-
नियम, 1969.

श्री बिपर सिंह पुत्र श्री गणेश राम निवासी ग्राम रेडी गुसान, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश ने इस कार्यालय में दरखास्त गुजारी है कि उसकी पुत्री रानी देवी का जन्म मिति 26-6-89 को हुआ है जिसका नाम ग्राम पंचायत नेहर पाव, तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्व साधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज करने बारा किसी को कोई एतराज हो तो वह मिति 22-5-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने बारा आदेश जारी कर दिये जावेंगे।

आज दिनांक 5-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एस0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, (हि0प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश

श्रीमती दुलारी देवी बेवा श्री जिया लाल, निवासी खनाटियो,
तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधि-
नियम, 1969.

श्रीमती दुलारी देवी बेवा श्री जिया लाल निवासी ग्राम खनाटियो, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश ने इस कार्यालय में दरखास्त गुजारी है कि उसकी पुत्री सुशीला का जन्म मिति 24-4-89 को हुआ है जिसका नाम ग्राम पंचायत दीदग, तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्व साधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व जन्म तिथि पंचायत रिकार्ड में दर्ज करने बारा किसी को कोई एतराज हो तो वह मिति 22-5-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने बारा आदेश जारी कर दिये जावेंगे।

आज दिनांक 5-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एस0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर (हि0प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश

श्रीमती बिमला देवी बेवा श्री किशन बहादुर, निवासी नरी जगेला,
तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधि-
नियम, 1969.

श्रीमती बिमला देवी बेवा श्री किशन बहादुर, निवासी ग्राम नरी जगेला, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश ने इस कार्यालय में दरखास्त गुजारी है कि उसकी पुत्री चमेली का जन्म मिति 20-11-89

को हुआ है जिसका नाम ग्राम पंचायत करगानू, तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्व साधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज करने वारा किसी को कोई एतराज हो तो वह मिति 23-5-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने वारा आदेश जारी कर दिए जावेंगे।

आज दिनांक 5-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एम0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, (हि0 प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हि0 प्र0

श्री ओम प्रकाश पुत्र श्री नरुदू राम, निवासी राजगढ़, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री ओम प्रकाश पुत्र श्री नरुदू राम, निवासी ग्राम राजगढ़, तहसील राजगढ़, जिला सिरमौर (हि0 प्र0) ने इस कार्यालय में दरखास्त गुजारी है कि उसकी पुत्री मोनिका का जन्म तिथि 15-4-90 को हुआ है जिसका नाम ग्राम पंचायत राजगढ़ तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज करने वारा किसी को कोई एतराज हो तो वह मिति 22-5-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने वारा आदेश जारी कर दिए जावेंगे।

आज दिनांक 5-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एस0 पी0 ठाकुर,
उप मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर (हि0 प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश

श्री बालक राम पुत्र श्री दिनचु राम, निवासी ग्राम करगानू, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री बालक राम पुत्र श्री दिनचु राम, निवासी ग्राम करगानू, तहसील राजगढ़, जिला सिरमौर, हि0 प्र0 ने इस कार्यालय में दरखास्त गुजारी है कि उसकी पुत्रियां सोनिका, मनू का जन्म मिति 11-7-88 व 14-1-90 को हुआ है जिनका नाम ग्राम पंचायत करगानू, तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्व साधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज करने वारा किसी को कोई एतराज हो तो वह मिति 29-5-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने वारा आदेश जारी कर दिए जावेंगे।

आज दिनांक 10-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एम0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर (हि0 प्र0)।

व अदालत श्री एस0 ठाकुर, उप मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर (हि0 प्र0)।

श्री तुला राम पुत्र श्री लिखू राम, निवासी जवयाना, तहसील पच्छाद, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री तुला राम पुत्र श्री लिखू राम, निवासी ग्राम जवयाना, तहसील पच्छाद, जिला सिरमौर, हि0 प्र0 ने इस कार्यालय में दरखास्त गुजारी है कि उसके जुड़वां पुत्र सुरेश कुमार व नरेश कुमार का जन्म मिति 21-6-89 को हुआ है जिनका नाम ग्राम पंचायत नेरी नोन, तहसील पच्छाद, में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्व साधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज करने वारा किसी को कोई एतराज हो तो वह मिति 5-6-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने वारा आदेश जारी कर दिए जावेंगे।

आज दिनांक 20-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एस0 पी0 ठाकुर,
उप मण्डल दण्डाधिकारी राजगढ़,
जिला सिरमौर (हि0 प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश

श्री छोटू राम पुत्र श्री मेवा लाल, निवासी नेरी जगेला, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण ऐक्ट; 1969.

श्री छोटू राम पुत्र श्री मेवा लाल, निवासी ग्राम नेरी जगेला, तहसील राजगढ़, जिला सिरमौर, हि0 प्र0 ने इस कार्यालय में दरखास्त गुजारी है कि उसकी पुत्रियां सुषमा देवी; राधा देवी का जन्म मिति 27-4-91 व 15-2-89 को हुआ है जिनका नाम ग्राम पंचायत करगानू, तहसील राजगढ़ के रिकार्ड में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में

दर्ज करने वारा किसी को कोई एतराज हो तो वह मिति 22-5-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने वारे आदेश जारी कर दिए जायेंगे।

आज दिनांक 5-4-1995 को मेरे हस्ताक्षर एवं मोहर कार्यालय से जारी हुआ।

मोहर।

एस0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर. (हि0 प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश

श्री धनी राम पुत्र श्री मुशु राम, निवासी करगानू, तहसील
राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण ऐक्ट,
1969.

श्री धनी राम पुत्र श्री मुशु राम, निवासी ग्राम करगानू, तहसील
राजगढ़, जिला सिरमौर. हि0 प्र0 ने इस कार्यालय में दरखास्त
गुजारी है कि उसकी पुत्री लता देवी का जन्म मिति 22-9-1989
को हुआ है जिसका नाम ग्राम पंचायत करगानू, तहसील राजगढ़
के रिकार्ड में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण जनता को सूचित
किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में
दर्ज करने वारा किसी को कोई एतराज हो तो वह मिति
22-5-1995 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज
पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त
नाम व जन्म तिथि दर्ज करने वारे आदेश जारी कर दिए जाएंगे।

आज दिनांक 5-4-1995 को मेरे हस्ताक्षर एवं मोहर
कार्यालय से जारी हुआ।

मोहर।

एस0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर (हि0 प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश

श्री हिरा सिंह पुत्र श्री दिना राम, निवासी ग्राम कण्डा,
तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण ऐक्ट,
1969.

श्री हिरा सिंह पुत्र श्री दिना राम, निवासी ग्राम कण्डा, तहसील
राजगढ़, जिला सिरमौर हिमाचल प्रदेश ने इस कार्यालय में
दरखास्त गुजारी है कि उसकी पुत्री सविता का जन्म मिति
1-1-1989 को हुआ है, जिसका नाम ग्राम पंचायत छोगरानी,
तहसील राजगढ़, के रिकार्ड में दर्ज नहीं है।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण को सूचित किया
जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज
करने वारे किसी को कोई एतराज हो तो वह मिति 22-5-1995
को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर
सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व
जन्म तिथि दर्ज करने वारे आदेश जारी कर दिए जायेंगे।

आज दिनांक 5-4-95 को मेरे हस्ताक्षर एवं मोहर कार्यालय
से जारी हुआ।

मोहर।

एस0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर (हि0 प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, तहसील
राजगढ़, जिला सिरमौर, हिमाचल प्रदेश

श्री रणदेव सिंह पुत्र श्री नैन सिंह, निवासी घड़ोल, तहसील राजगढ़,
जिला सिरमौर (हि0 प्र0)

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म व मृत्यु पंजीकरण
अधिनियम, 1969.

श्री रणदेव सिंह पुत्र श्री नैन सिंह, निवासी ग्राम घड़ोल,
तहसील राजगढ़, जिला सिरमौर, हि0 प्र0 ने इस कार्यालय में
गुजारिश की है कि उसकी पुत्री किरण देवी का जन्म मिति
9-1-1990 को हुआ है जिसका नाम ग्राम पंचायत नेहर पाव,
तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण जनता को सूचित
किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में
दर्ज करने वारे किसी का कोई एतराज हो तो वह मिति
10-5-1995 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज
पेश कर सकता है अन्यथा सम्बन्धित पंचायत सचिव को उक्त
नाम व जन्म तिथि दर्ज करने वारे आदेश जारी कर दिए
जायेंगे।

आज दिनांक 28-3-95 को मेरे हस्ताक्षर व मोहर अदालत
से जारी किया गया।

मोहर।

एस0 पी0 ठाकुर,
उप-मण्डल दण्डाधिकारी,
राजगढ़, जिला सिरमौर, (हि0 प्र0)।

व अदालत श्री एस0 पी0 ठाकुर, उप-मण्डल दण्डाधिकारी, तहसील
राजगढ़, जिला सिरमौर, हिमाचल प्रदेश

श्री जय प्रकाश पुत्र श्री दिल बहादुर, निवासी सेर जगास,
तहसील राजगढ़, जिला सिरमौर, (हि0 प्र0)

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म व मृत्यु पंजीकरण
अधिनियम, 1969.

श्री जय प्रकाश पुत्र श्री दिल बहादुर, निवासी ग्राम सेरजगास,
तहसील राजगढ़, जिला सिरमौर, हि0 प्र0 ने इस कार्यालय में
दरखास्त गुजारी है कि उसके पुत्र राहुल का जन्म मिति 23-2-1992
को हुआ है जिसका नाम ग्राम पंचायत सेर जगास, तहसील
राजगढ़ के रिकार्ड में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण जनता को सूचित
किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज
करने वारे किसी को कोई एतराज हो तो वह मिति 10-5-1995
को या इससे पूर्व हाजिर अदालत होकर अपना एतराज
पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त
नाम व जन्म तिथि दर्ज करने वारे आदेश जारी कर दिए
जायेंगे।

आज दिनांक 23-3-1995 को मेरे हस्ताक्षर व मोहर अदालत में जारी किया गया।

मोहर।

एम 0 पी 0 ठाकुर,
उप-मण्डल दण्डाधिकारी,
तहसील राजगढ़, जिला सिरमौर, (हि 0 प्र 0)।

व अदालत श्री एस 0 पी 0 ठाकुर, उप-मण्डल दण्डाधिकारी, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश

श्री जय प्रकाश पुत्र श्री दिल बहादुर निवासी मेर जगाम, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम-

ग्राम जनता

दख्खान्त जेर धारा 13 (3) जन्म व मृत्यु पंजीकरण अधिनियम 1969.

श्री जय प्रकाश पुत्र श्री दिल बहादुर, निवासी ग्राम मेर जगाम, तहसील राजगढ़, जिला सिरमौर, हि 0 प्र 0 ने इस कार्यालय में दख्खान्त गुजारी है कि उसकी पुत्री कुमारी किरण का जन्म मिति 26-8-1989 को हुआ है जिसका नाम ग्राम पंचायत मेर जगाम, तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज करने वाले यदि किसी को कोई एतराज हो तो वह मिति 10-5-1995 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने वाले आदेश जारी कर दिए जावेंगे।

आज दिनांक 23-3-1995 को हमारे हस्ताक्षर व मोहर अदालत में जारी किया गया।

मोहर।

एस 0 पी 0 ठाकुर,
उप-मण्डल दण्डाधिकारी,
तहसील राजगढ़, जिला सिरमौर, (हि 0 प्र 0)।

व अदालत श्री एस 0 पी 0 ठाकुर, उप-मण्डल दण्डाधिकारी, राजगढ़, जिला सिरमौर, हिमाचल प्रदेश

श्री मोन प्रकाश पुत्र श्री दीप राम, निवासी ग्राम भनोग, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दख्खान्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री मोन प्रकाश पुत्र श्री दीप राम, निवासी ग्राम भनोग, तहसील राजगढ़, जिला सिरमौर, हिमाचल प्रदेश ने इस कार्यालय में दख्खान्त गुजारी है कि उसकी पुत्री मोनिका देवी का जन्म मिति.....को हुआ है जिसका नाम ग्राम पंचायत डिम्बर, तहसील राजगढ़ में दर्ज नहीं हुआ है।

अतः इस अदालती इशतहार द्वारा सर्व साधारण जनता को सूचित किया जाता है कि यदि उक्त नाम व तिथि पंचायत रिकार्ड में दर्ज करने वाले किसी को कोई एतराज हो तो वह मिति 22-5-95 को या इससे पूर्व हाजिर अदालत होकर अपना एतराज पेश कर सकता है, अन्यथा सम्बन्धित पंचायत सचिव को उक्त नाम व जन्म तिथि दर्ज करने वाले आदेश जारी कर दिए जावेंगे।

आज दिनांक 10-5-95 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

एस 0 पी 0 ठाकुर,
उप-मण्डल दण्डाधिकारी, राजगढ़,
जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा :

श्री रती राम सुपुत्र श्री शिवू, निवासी ग्राम कैलान, तहसील शिलाई, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

उपरोक्त प्रार्थी ने इस अदालत में अपना प्रार्थना-पत्र ब्यान हलफी सहित इस आशय के साथ प्रस्तुत किया है कि श्रीमती बिची देवी पुत्री बुधिया ग्राम मुन्दाड़ी, प्रार्थी की हकीकी पत्नी है, किन्तु ग्राम पंचायत शिलाई के रिकार्ड में प्रार्थी की पत्नी श्रीमती बिची देवी तथा बच्चे भूप सिंह, विद्या, शान्ति, राधा देवी व आशा देवी प्रार्थी के भाई बाबू राम के नाम गलत दर्ज हैं जोकि अब प्रार्थी के नाम दर्ज किए जाने वाजिब हैं।

अतः इस इशतहार द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम श्री रती राम के नाम, ग्राम पंचायत शिलाई के रिकार्ड में दर्ज होने पर उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 17-5-95 से पूर्व अपना उजर अधोहस्ताक्षरी के कार्यालय में प्रस्तुत करें। अन्यथा कार्यवाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-1995 को हमारे हस्ताक्षर व मोहर अदालत में जारी किया गया।

मोहर।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, (हि 0 प्र 0)।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई, जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा :

श्री जालम सिंह पुत्र श्री प्रेम, निवासी ग्राम कुफर, तहसील शिलाई, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

उपरोक्त सायल ने अपना प्रार्थना-पत्र ब्यान हलफी सहित, इस अदालत में इस आशय के साथ प्रस्तुत किया है कि ग्राम पंचायत बांदली के रिकार्ड में श्रीमती मोती देवी पुत्री स्व 0 मीन सिंह, ग्राम भटनोल की शादी व बच्चे कल्याण सिंह, अतर सिंह, बंशो राम, कुन्दन सिंह, कुमारी गुरदेई देवी प्रार्थी के नाम गलत दर्ज हैं जोकि प्रार्थी के भाई जट्टू के नाम दर्ज किए जाने वाजिब हैं।

अतः इस इशतहार द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि उपरोक्त दावे वाले किसी व्यक्ति को उजर या एतराज हो तो वह मिति 17-5-95 से पूर्व स्वयं अथवा अपने प्रतिनिधि द्वारा अपना एतराज अधोहस्ताक्षरी की अदालत में प्रस्तुत करें, अन्यथा कार्यवाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर (हि० प्र०)।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई,
जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा :

श्री जंगली राम पुत्र श्री मीना, निवासी ग्राम ऐराणा, तहसील शिलाई,
जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

उपरोक्त प्रार्थी ने अपना ब्यान हल्फी इस अदालत में इस आशय के साथ दायर किया है कि श्रीमती रत्तो देवी पुत्री श्री चानण सिंह, निवासी ग्राम कान्डो प्रार्थी के भाई स्वर्गीय नाथू राम की पत्नी थी। अब श्रीमती रत्तो देवी प्रार्थी के साथ रह रही हैं तथा उसके दो बच्चे टिकू व विक्कू पैदा हुए जो प्रार्थी के हकीकी बच्चे हैं। प्रार्थी श्रीमती रत्तो देवी तथा बच्चों टिकू व विक्कू को ग्राम पंचायत वाली कोटी के रिकार्ड में अपने नाम दर्ज करवाना चाहता है।

अतः इस इशतहार द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा किसी वांछित के माध्यम से मिति 17-5-95 से पूर्व अधोहस्ताक्षरी के कार्यालय में पेश करे, अन्यथा कार्यवाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर (हि० प्र०)।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई,
जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा :

श्री मदन सिंह पुत्र नन्दड़ू, निवासी ग्राम पशमी, तहसील शिलाई,
जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

उपरोक्त प्रार्थी ने इस अदालत में अपना प्रार्थना-पत्र इस आशय से दायर किया है कि उसकी पत्नी स्वर्गीय श्रीमती कायरी देवी व बच्चे दौलत, खनर सिंह, विनन सिंह व कुमारी नीमा देवी गलती से ग्राम पंचायत गवाली के रिकार्ड में प्रार्थी के भाई बली राम के नाम दर्ज है, जोकि प्रार्थी के नाम दर्ज किये जाने वाजिब हैं।

अतः इस इशतहार द्वारा समस्त रिश्तेदारों व ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त दावे बारे कोई उजर हो तो वह मिति 17-5-95 से पूर्व स्वयं अथवा अपने प्रतिनिधि द्वारा अधोहस्ताक्षरी की अदालत में प्रस्तुत कर सकता है, अन्यथा कार्यवाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-95 को हमारे हस्ताक्षर व मोहर कार्यालय से जारी किया गया।

मोहर।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, (हि० प्र०)।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई,
जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा :

श्री गुमान सिंह पुत्र श्री किशा, निवासी ग्राम पाव-मानल, तहसील शिलाई, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु अधिनियम, 1969.

उपरोक्त सायल ने इस अदालत में अपना प्रार्थना-पत्र ब्यान हल्फी सहित इस आशय के साथ दायर किया है कि उसके पुत्र प्रभू का नाम तथा जन्म तिथि जो कि 25-2-1987 है, ग्राम पंचायत गवाली-पशमी के रिकार्ड में दर्ज नहीं है, जोकि अब दर्ज की जानी वाजिब है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को प्रभू का नाम तथा जन्म तिथि ग्राम पंचायत गवाली-पशमी के रिकार्ड में दर्ज किये जाने पर उजर या एतराज हो तो वह स्वयं अथवा किसी वांछित के माध्यम से मिति 17-5-1995 से पूर्व अपना उजर अधोहस्ताक्षरी के कार्यालय में प्रस्तुत करे अन्यथा कार्यवाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, (हि० प्र०)।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई,
जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा :

श्री माणकू पुत्र श्री लेबरू, निवासी ग्राम बशवा, तहसील शिलाई,
जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त सायल ने इस अदालत में अपना प्रार्थना-पत्र, ब्यान हल्फी सहित, इस आशय के साथ दायर किया है कि उसके पुत्र बोरू का नाम तथा जन्म तिथि जो कि 15-3-89 है, ग्राम पंचायत बेला के रिकार्ड में दर्ज नहीं है, जो कि अब दर्ज की जानी वाजिब है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को बोरू का नाम तथा जन्म तिथि ग्राम पंचायत बेला के रिकार्ड में दर्ज किये जाने पर उजर या एतराज हो तो वह स्वयं या किसी वांछित के माध्यम से मिति 17-5-95 से पूर्व अपना उजर अधोहस्ताक्षरी के कार्यालय में प्रस्तुत करे अन्यथा कार्यवाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-1995 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, (हि० प्र०)।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला सिरमौर, (हि0प्र0)

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला सिरमौर, (हि0प्र0)

व मुद्दमा :

व मुद्दमा :

श्री नरेन्द्र सिंह पुत्र श्री राम सिंह, ग्राम निवासी डांडा, तहसील शिलाई
जिला सिरमौर, हिमाचल प्रदेश ।

श्री पंच राम पुत्र श्री मोहनू, निवासी ग्राम कूफर, तहसील शिलाई;
जिला सिरमौर, (हि0प्र0) ।

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दख्खास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

दख्खास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

उपरोक्त सायल ने इस अदालत में अपना प्रार्थना-पत्र ग्राम हल्की
सहित, इस आशय के साथ दायर किया है कि उसकी पत्नी मन्जी
देवी का नाम तथा जन्म तिथि जो कि 26-2-92 है, ग्राम पंचायत
बान्दली डांडा के रिकार्ड में दर्ज नहीं है, जोकि अब दर्ज की जानी
वाजिव है ।

उपरोक्त सायल ने इस अदालत में अपना प्रार्थना-पत्र ग्राम हल्की
सहित, इस आशय के साथ दायर किया है कि उसकी पुत्री सीमा
देवी का नाम तथा जन्म तिथि जोकि 30-3-91 है, ग्राम पंचायत
बान्दली के रिकार्ड में दर्ज नहीं है, जोकि अब दर्ज की जानी
वाजिव है ।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों
को सूचित किया जाता है कि यदि किसी व्यक्ति को मन्जी देवी का
नाम तथा जन्म तिथि ग्राम पंचायत बान्दली डांडा के रिकार्ड में दर्ज
किए जाने पर उजर या एतराज हो तो वह स्वयं अथवा किसी
वान्छित के माध्यम से मिति 17-5-95 से पूर्व अपना उजर
अधोहस्ताक्षरी के कार्यालय में प्रस्तुत करें अन्यथा कार्यवाही
एकतरफा अमल में लाई जावेगी ।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को
सूचित किया जाता है कि यदि किसी व्यक्ति को सीमा देवी का नाम
तथा जन्म तिथि ग्राम पंचायत बान्दली के रिकार्ड में दर्ज किये
जाने पर उजर या एतराज हो तो वह स्वयं अथवा किसी वान्छित
के माध्यम से मिति 17-5-95 से पूर्व अपना उजर अधोहस्ताक्षरी के
कार्यालय में प्रस्तुत करें अन्यथा कार्यवाही एकतरफा अमल में लाई
जावेगी ।

आज दिनांक 17-4-95 को हमारे हस्ताक्षर व मोहर अदालत
से जारी किया गया ।

आज दिनांक 17-4-1995 को हमारे हस्ताक्षर व मोहर अदालत से
जारी किया गया ।

मोहर ।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, (हि0प्र0) ।

मोहर :

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, (हि0प्र0) ।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला सिरमौर (हि0प्र0)

व मुद्दमा :

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, हिमाचल प्रदेश

व मुद्दमा :

श्री श्रावण राम पुत्र श्री गुलाब सिंह निवासी ग्राम डांडा, तहसील
शिलाई, जिला सिरमौर, (हि0प्र0) ।

श्री नैन सिंह पुत्र श्री चैत राम, निवासी ग्राम कठोजा (रास्ते);
तहसील शिलाई, जिला सिरमौर, हिमाचल प्रदेश ।

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दख्खास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

उपरोक्त सायल ने इस अदालत में अपना प्रार्थना-पत्र, ग्राम
हल्की सहित, इस आशय के साथ दायर किया है कि उसके पुत्र
रघुवीर सिंह का नाम तथा जन्म तिथि जो कि 10-3-1990 है,
ग्राम पंचायत बान्दली डांडा के रिकार्ड में दर्ज नहीं है, जोकि अब
दर्ज की जानी वाजिव है ।

उपरोक्त प्रार्थी ने अपना प्रार्थना-पत्र इस अदालत में इस आशय
के साथ प्रस्तुत किया है कि प्रार्थी की पत्नी श्रीमता जानकी देवी
तथा पुत्र जय पाल सिंह का नाम तथा जन्म तिथि जोकि 10-3-1988
है तथा पुत्रियों कुमारी किरण, जन्म तिथि 22-2-1991 व कुमारी
निमा जन्म तिथि 17-1-1993 है, ग्राम पंचायत नैनोधार के
रिकार्ड में प्रार्थी के नाम दर्ज नहीं है जोकि अब दर्ज किये जाने
वाजिव है ।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को
सूचित किया जाता है कि यदि किसी व्यक्ति को रघुवीर सिंह का
नाम तथा जन्म तिथि ग्राम पंचायत बान्दली डांडा के रिकार्ड में
दर्ज किये जाने पर उजर या एतराज हो तो वह स्वयं अथवा किसी
वान्छित के माध्यम से मिति 17-5-95 से पूर्व अपना उजर
अधोहस्ताक्षरी के कार्यालय में प्रस्तुत करें अन्यथा कार्यवाही
एकतरफा अमल में लाई जावेगी ।

अतः इस इशतहार द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों
को सूचित किया जाता है कि यदि किसी शख्स को उपरोक्त दावे
बारे एतराज हो तो वह मिति 17-5-95 से पूर्व अपना एतराज
अधोहस्ताक्षरी के सम्मुख प्रस्तुत करें, अन्यथा कार्यवाही एकतरफा
अमल में लाई जावेगी ।

आज दिनांक 17-4-95 को हमारे हस्ताक्षर व मोहर अदालत
से जारी किया गया ।

आज दिनांक 17-4-95 को हमारे हस्ताक्षर व मोहर अदालत
से जारी किया गया ।

मोहर ।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर (हि0प्र0) ।

मोहर ।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी,
शिलाई, जिला सिरमौर, (हि0प्र0) ।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला सिरमौर, हिमाचल प्रदेश

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला सिरमौर, हिमाचल प्रदेश

व मुकदमा :

व मुकदमा :

श्री नारायण सिंह पुत्र श्री कांशी राम, निवासी ग्राम भटनोड,
तहसील शिलाई ।

श्रीमती राम पुत्र श्री जटू राम, निवासी ग्राम नाया, तहसील
शिलाई, जिला सिरमौर, हिमाचल प्रदेश ।

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उपरोक्त प्रार्थी ने इस अदालत में अपना प्रार्थना-पत्र इस आशय के साथ प्रस्तुत किया है कि ग्राम पंचायत काण्डो-भटनोड के रिकार्ड में प्रार्थी के भाई नारायण सिंह की पत्नी श्रीमती दीपो देवी की शादी तथा उसकी सन्तान रणदीप, प्रकाश, मोना राम गलती से प्रार्थी के नाम दर्ज किए गए हैं जबकि प्रार्थी की पत्नी श्रीमती हीरो देवी व उसकी सन्तान वीरेन्द्र, प्रदीप, अतमो व निशा प्रार्थी के भाई नारायण सिंह के नाम गलत दर्ज है। अतः अब श्रीमती हीरो देवी व बच्चे वीरेन्द्र, प्रदीप, अतमो, निशा, प्रार्थी के नाम तथा श्रीमती दीपो देवी की शादी व सन्तान रणदीप, प्रकाश व मोना राम प्रार्थी के भाई नारायण सिंह के नाम दर्ज करने वाजिव है।

अतः इस इस्तहार द्वारा समस्त रिश्तेदारों व ग्राम जनता को सूचित किया जाता है कि यदि उपरोक्त दावे बारे किसी शख्स को एतराज हो तो वह मिति 17-5-1995 से पूर्व अपना एतराज अधोहस्ताक्षरी की अदालत में प्रस्तुत करें। अन्यथा कार्यवाही एकतरफा अमल में लाई जावेगी।

उपरोक्त प्रार्थी ने अपना प्रार्थना-पत्र इस अदालत में इस आशय के साथ दायर किया है कि प्रार्थी का असली नाम रती राम पुत्र श्री जटू राम है और जन्म तिथि 21-9-1966 है जबकि ग्राम पंचायत शिलाई के रिकार्ड में प्रार्थी का नाम रतन सिंह पुत्र कांशिया तथा जन्म तिथि गलत दर्ज है। प्रार्थी हिमाचल प्रदेश सिवाई एवं जन-स्वास्थ्य विभाग शिलाई में बनौर बेतदार कार्य करता है तथा मस्ट्रोल में भी प्रार्थी का नाम रती राम पुत्र जटू राम सही दर्ज है। अतः पंचायत शिलाई के रिकार्ड में प्रार्थी का नाम रती राम पुत्र जटू राम व जन्म तिथि जोकि 21-9-1966 है अब दर्ज किए जाने वाजिव है।

अतः इस इस्तहार द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी शख्स को श्री रती राम का नाम व जन्म तिथि ग्राम पंचायत शिलाई के रिकार्ड में दस्तकिए जाने पर उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा अपना उजर दिनांक 17-5-95 से पूर्व अधोहस्ताक्षरी की अदालत में पेश कर सकता है। अन्यथा कार्यवाही एकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

देवेन्द्र सिंह कंवर,

कार्यकारी दण्डाधिकारी,

शिलाई, जिला सिरमौर, (हि0 प्र0)।

मोहर।

देवेन्द्र सिंह कंवर,

कार्यकारी दण्डाधिकारी,

शिलाई, जिला सिरमौर, (हि0 प्र0)।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला सिरमौर, हिमाचल प्रदेश

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला सिरमौर, हिमाचल प्रदेश

व मुकदमा :

श्री भगत राम पुत्र श्री तुलसी राम, निवासी ग्राम बापिल, तहसील
शिलाई, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

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उपरोक्त प्रार्थी ने इस अदालत में अपना प्रार्थना-पत्र इस आशय के साथ दायर किया है कि ग्राम पंचायत शिरोकशारी के रिकार्ड में प्रार्थी की वनदिया जीत सिंह दर्ज की गई है जबकि प्रार्थी के पिता का नाम पंच राम है जोकि पंचायत रिकार्ड में दर्ज किया जाना वाजिव है।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त पक्ष ने इस अदालत में अपना प्रार्थना-पत्र ब्यान हल्फी सहित इस आशय के साथ दायर किया है कि उसके पुत्रों सुरेश व फकीर चन्द का नाम तथा जन्म तिथि जो कि क्रमशः 28-7-91, 6-1-93 है, ग्राम पंचायत शिरोकशारी के रिकार्ड में दर्ज नहीं है, जोकि अब दर्ज करा जाना वाजिव है।

अतः इस इस्तहार द्वारा ग्राम जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी शख्स को प्रार्थी के पिता का नाम जीत सिंह के स्थान पर पंच राम दर्ज किए जाने पर उजर या एतराज हो तो वह स्वयं अथवा किसी वांछित के माध्यम से मिति 17-5-1995 से पूर्व अपना उजर अधोहस्ताक्षरी की अदालत में पेश कर सकता है, बाद गुजरने मियाद कार्यवाही एकतरफा अमल में लाई जावेगी।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को सुरेश चन्द व फकीर चन्द का नाम तथा जन्म तिथि ग्राम पंचायत शिरोकशारी के रिकार्ड में दर्ज किये जाने पर उजर या एतराज हो तो वह स्वयं अथवा किसी वांछित के माध्यम से मिति 17-5-95 से पूर्व अपना उजर अधोहस्ताक्षरी के कार्यालय में प्रस्तुत करें अन्यथा कार्यवाही एकतरफा अमल में लाई जावेगी।

आज दिनांक 17-4-95 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

आज दिनांक 17-4-1995 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

देवेन्द्र सिंह कंवर,

कार्यकारी दण्डाधिकारी,

शिलाई, जिला सिरमौर, हिमाचल प्रदेश।

मोहर।

देवेन्द्र सिंह कंवर,

कार्यकारी दण्डाधिकारी, शिलाई,

जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्री देवेन्द्र सिंह कंवर, कार्यकारी दण्डाधिकारी, शिलाई
जिला मिरमौर, हिमाचल प्रदेश

व मुहमा :

श्री बहादुर सिंह पुत्र श्री मिनिंग, निवासी ग्राम पाव, तहसील
शिलाई, जिला मिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

उपरोक्त प्रार्थी ने अपना ब्याज हराली इस अदालत में इन आशय के साथ प्रस्तुत किया है कि ग्राम पंचायत पाव-मानल के रिकार्ड में श्रीमती दीपो देवी व प्रार्थी के बच्चे जयपाल सिंह, अतर सिंह, बलप्रो सिंह, प्रमाण, कुमारी मुरती देवी व नारदा देवी प्रार्थी के छोटे भाई श्री रतन सिंह के नाम गलत दर्ज हैं, जबकि श्रीमती दीपो देवी प्रार्थी की हकीकी पत्नी है तथा उक्त बच्चे प्रार्थी के हकीकी बच्चे हैं, जो प्रार्थी के नाम दर्ज किए जाने बाजिव हैं।

अतः इस इस्तहार द्वारा मन्स जना तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि श्रीमती दीपो देवी व उक्त बच्चों के नाम ग्राम पंचायत पाव-मानल के रिकार्ड में श्री बहादुर सिंह के नाम दर्ज करने पर उजर अथवा एतराज हो तो वह स्वयं अथवा किसी वांछित को माध्यम से अपना उजर मिति 17-5-95 से पूर्व अधोहस्ताक्षरी के कार्यालय में प्रस्तुत करे अन्यथा कार्यवाही यकतरका अमल में लाई जावेगी।

आज दिनांक 17-4-1995 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

देवेन्द्र सिंह कंवर,
कार्यकारी दण्डाधिकारी, शिलाई,
जिला मिरमौर, हिमाचल प्रदेश।

व अदालत श्री प्रताप सिंह गुलेरिया, कार्यकारी मैजिस्ट्रेट हरोली,
जिला ऊना, हिमाचल प्रदेश

श्रीमती बन्दना

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्रीमती बन्दना पत्नी गजेन्द्र नाथ, वासी धर्मपुर, उप-तहसील, हरोली ने इस कार्यालय में गुजारिश की है कि उक्त पुत्र गगन दीप का जन्म दिनांक 29-12-1991 को हुआ है लेकिन उसकी जन्म तिथि पंचायत रिकार्ड में दर्ज नहीं है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 10-5-95 को सुबह 10 बजे अधोहस्ताक्षरी के न्यायालय में हाजिर होकर पेश कर सकता है वरना उपरोक्त व्यक्ति को जन्म तिथि दर्ज करने वाले सम्बन्धित नगरपालिका/अधिसूचित क्षेत्र समिति/पंचायत को उपरोक्त बताई गई तिथि दर्ज करने वाले आदेश दे दिए जाएंगे।

आज दिनांक 5-4-1995 को मेरे हस्ताक्षर व मोहर कार्यालय से जारी हुआ।

मोहर।

प्रताप सिंह गुलेरिया,
कार्यकारी मैजिस्ट्रेट हरोली,
जिला ऊना, (हि0 प्र0)।

व अदालत श्री प्रताप सिंह गुलेरिया, कार्यकारी मैजिस्ट्रेट, हरोली
जिला ऊना, हिमाचल प्रदेश

विजय कुमार

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्री विजय कुमार पुत्र कस्तूर सिंह, वासी बदेडा, उप-तहसील हरोली ने इस कार्यालय में गुजारिश की है कि उसकी भान्जी सुमन लता सुपुत्री परमजीत सिंह का जन्म दिनांक 23-4-91 को हुआ है लेकिन उसके जन्म की तिथि पंचायत रिकार्ड में दर्ज नहीं है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 12-6-95 को सुबह 10 बजे अधोहस्ताक्षरी के न्यायालय में हाजिर होकर पेश कर सकता है वरना उपरोक्त व्यक्ति को जन्म तिथि दर्ज करने वाले सम्बन्धित नगरपालिका/अधिसूचित क्षेत्र समिति/पंचायत को उपरोक्त आदेश दे दिये जायेंगे।

आज दिनांक 21-4-95 को मेरे हस्ताक्षर एवं मोहर कार्यालय से जारी हुआ।

मोहर।

प्रताप सिंह, गुलेरिया,
कार्यकारी मैजिस्ट्रेट, हरोली,
जिला ऊना, (हि0 प्र0)।

व अदालत श्री प्रताप सिंह गुलेरिया, कार्यकारी मैजिस्ट्रेट,
हरोली, जिला ऊना, हिमाचल प्रदेश

चमन लाल

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम,
1969.

श्री चमन लाल पुत्र हरमजन लाल, वासी बह कला, उप-तहसील हरोली ने इस कार्यालय में गुजारिश की है कि उसकी पुत्री ज्योति रानी का जन्म दिनांक 16-11-1991 को हुआ है लेकिन उसकी जन्म तिथि पंचायत रिकार्ड में दर्ज नहीं है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस बारे किसी व्यक्ति को कोई उजर व एतराज हो तो वह दिनांक 12-6-95 को सुबह 10 बजे अधोहस्ताक्षरी के न्यायालय में हाजिर होकर पेश कर सकता है वरना उपरोक्त व्यक्ति को जन्म तिथि दर्ज करने वाले सम्बन्धित पंचायत को उपरोक्त बताई गई तिथि दर्ज करने वाले आदेश दे दिये जायेंगे।

आज दिनांक 21-4-95 को मेरे हस्ताक्षर एवं मोहर कार्यालय से जारी हुआ।

मोहर।

प्रताप सिंह गुलेरिया,
कार्यकारी मैजिस्ट्रेट, हरोली,
जिला ऊना, (हि0 प्र0)।

**OFFICE OF THE MARKET COMMITTEE
(SHIMLA AND KINNAUR)
REGULATED MARKET COMPLEX, DHALLI
SHIMLA-171 012**

OFFICE ORDER

Shimla-2, the 29th April, 1995

No. APMC/SML-3-248/94-Vol-III.—In exercise of the powers conferred upon me under Section-17 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970), I do hereby appoint the following officers to be members of the 'Joint Technical Committee' constituted for making inventories of the construction work of Auction Platform and other works in Regulated Market Complex, Dhalli, Shimla-12, executed by the Himachal Pradesh Housing Board, Shimla and take the possession of the structures of incomplete construction works of Auction Platform and other works from the Himachal Pradesh Housing Board immediately :—

Sl. No.	Name and Designation
1.	Dr. R. S. Rattan, Secretary, Himachal Pradesh Marketing Board, Nalagarh House, Shimla-5. <i>Chairman</i>
2.	Dr. P. P. Singh, Secretary, Market Committee (S&K), Regulated Market Complex, Dhalli, Shimla-12. <i>Secretary</i>
3.	Shri A. K. Gupta, Executive Engineer, Himachal Pradesh Marketing Board, Shimla-5. <i>Member</i>
4.	Shri M. L. Sharma, Assistant Engineer, Himachal Pradesh Marketing Board, Shimla-5. <i>Member</i>
5.	Representative of the Himachal Pradesh Housing Board, Shimla-2. <i>Member</i>

V. C. PHARKA,
*Deputy Commissioner-cum-Chairman,
Market Committee (Shimla and Kinnaur),
Dhalli, Shimla-12.*

**In the Himachal Pradesh Administrative Tribunal
at Shimla-2**

No. OA-234/93 Shimla-2, the 7th April, 1995

Notice to the respondents under Section 19 of the Himachal Pradesh Administrative Tribunal Act, 1986 of the date fixed for final disposal in OA-234/93 filed in the Himachal Pradesh Administrative Tribunal.

In case No. OA-234/93.

Ramesh Chand Nag .. Applicant.

Versus

State of H. P. & Ors. .. Respondents.

Notice to Respondents :

R-26 (a) Shrimati Prem Lata (wife), Shri Tilak Raj Gupta, village Mugla, P. O. Hardaspur, District Chamba, Himachal Pradesh.

Whereas in the above noted case it has been proved the satisfaction of the Hon'ble Tribunal, Himachal Pradesh that it is not possible to get the above named

spondents served in the ordinary way of service. Hence this notice is issued to them that the above mentioned case/application has been listed for final disposal before a Hon'ble Bench of this Tribunal at Shimla on 10th May, 1995 at 10.30 A.M. and on any subsequent dates to which the proceedings may be adjourned, you may, therefore, appear before the Hon'ble Tribunal at Shimla on the said date and time either in person or through an advocate duly appointed by you for the purpose.

Affidavit(s) in reply, if any, be filed on or before the said date. Also take notice that in default of your appearance on the said date fixed, the case will be heard *ex-parte*.

Given under my hand and the seal of the Tribunal this 11th day of April, 1995.

Seal.

Sd/-
Registrar.

**In the Himachal Pradesh Administrative Tribunal
at Shimla-2**

No. OA-234/93 Shimla-2, the 7th April, 1995

Notice to the Respondents under section 19 of the H. P. Administrative Tribunal Act, 1986 of the date fixed for final disposal in OA-234/93 filed in the Himachal Pradesh Administrative Tribunal.

In case No. OA-234/93 Shimla-2, the 7th April, 1995,

Ramesh Chand Nag .. Applicant

Versus

State of H. P. & Ors. .. Respondents

Notice to Respondents :

R-26 (b) Shri Sanjib Kumar (son) Shri Tilak Raj Gupta, Village Mugla, P. O. Hardaspur, District Chamba, H. P.

Whereas in the above noted case it has been proved to the satisfaction of the Hon'ble Tribunal, Himachal Pradesh that it is not possible to get the above named respondents served in the ordinary way of service. Hence this notice is issued to them that the above mentioned case/application has been listed for final disposal before a Hon'ble Bench of this Tribunal at Shimla on 10th May, 1995 at 10.30 A.M. and on any subsequent dates to which the proceedings may be adjourned, you may therefore, appear before the Hon'ble Tribunal at Shimla on the said date and time either in person or through an advocate duly appointed by you for the purpose.

Affidavit(s) in reply, if any be filed on or before the said date. Also take notice that in default of your appearance on the said date fixed, the case will be heard *ex-parte*.

Given under my hand and the seal of the Tribunal this 11th day of April, 1995.

Seal.

Sd/-
Registrar.

**In the Himachal Pradesh Administrative Tribunal
at Shimla-2**

No. OA-234/93. Shimla-2, the 7th April, 1995

Notice to the respondents under Section 19 of the H. P. Administrative Tribunal Act, 1986 of the date fixed for final disposal in OA-234/93 filed in the Himachal Pradesh Administrative Tribunal.

In case No. OA-234/93.

Ramesh Chand Nag

...Applicant.

Versus

State of H. P. & Ors.

...Respondents.

Notice to Respondents :

R-26 (c) Shri Rajib Kumar (son) Shri Tilak Raj Gupta, village Mugla, P. O. Hardaspur, District Chamba, H. P.

Whereas in the above noted case it has been proved to the satisfaction of the Hon'ble Tribunal, Himachal Pradesh that it is not possible to get the abovenamed respondents served in the ordinary way of service. Hence this notice is issued to them that the above mentioned

case/application has been listed for final disposal before Hon'ble Bench of this Tribunal at Shimla on 10th May, 1995 at 10.30 A.M. and on any subsequent dates to which the proceedings may be adjourned, you may, therefore, appear before the Hon'ble Tribunal at Shimla on the said date and time either in person or through an Advocate duly appointed by you for the purpose.

Affidavit(s) in reply, if any, be filed on or before the said date. Also take notice that in default of your appearance on the said date fixed, the case will be heard *ex-parte*.

Given under my hand and the seal of the Tribunal this 11th day of April, 1995.

Seal.

Sd/-
Registrar.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

-शून्य-

भाग 7--भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

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